

Chapter 19 - ZONING

Town of Turtle Zoning Ordinance

The Town Board of the Town of Turtle does ordain that the following Ordinance be created as a comprehensive revision of land use zoning policy for the Town of Turtle:

SECTION 19.0 INTRODUCTION

(a) Authority

The Town Board of Turtle, Wisconsin, has heretofore been directed, at an annual town meeting of qualified electors to exercise all powers relating to and conferred upon villages, and these regulations are adopted under the authority granted by Sections 60.62, 61.35, and 62.23 of the Wisconsin State Statutes.

(b) Purpose

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community. Furthermore, the purpose of this Ordinance is to implement the land use goals, objectives, policies, and map resulting from the Town's comprehensive planning process in preparing the previously adopted Town of Turtle Land Use Plan.

(c) Intent

It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, number of stories and size of buildings and other structures, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's land use plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

(d) Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or permits previously adopted

or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

(e) **Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(f) **Severability**

(1) If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

(2) If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

(g) **Repeal**

The Town Board repeals without limitation all other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this Ordinance to the extent of the inconsistency only, including without limitation, a certain zoning ordinance originally dated September 20, 1982, the Official Zoning (District) Map, and any amendments to said zoning ordinance and zoning map that is a part of that ordinance originally dated April 12, 1978.

(h) **Title**

This Ordinance shall be known as, referred to, or cited as the Town of Turtle Zoning Ordinance.

(i) **Effective Date**

This Ordinance shall be effective after a public hearing, adoption by the Town Board, and posting as provided by law. Changes or Amendments to the text of this ordinance or the "Official Zoning Map" shall be effective after the provisions of Section 11 have complied with and the Change or Amendment has been posed as provided by law.

SECTION 19.02 GENERAL PROVISIONS

(a) **Jurisdiction**

The jurisdiction of this Ordinance shall include all lands and waters within the Town.

(b) Compliance

No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations.

(c) Use Restrictions

The following use restrictions and regulations shall apply:

(1) Permitted Uses. Only those principal uses specified, their essential services, and uses listed in subsections (A) to (E) of this Section shall be permitted in each district.

(2) Accessory Uses and structures are permitted in any district but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry unless a conditional use is authorized under this ordinance.

(3) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Planning Commission and issuance of a conditional use permit in accordance with Section 5 of this Ordinance.

(4) Unclassified or Unspecified Uses may be considered and utilized as a permitted or conditional use as determined by the Planning Commission provided that such uses are similar in character and impact to the principal uses permitted in the district.

(5) Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning Commission for a period not to exceed one (1) Year.

(6) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.

(d) Penalties

Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$250 nor more than \$5000 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

(e) Violations

It shall be lawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Zoning

Administrator, the Town Planning Commission, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

(f) Civil Enforcement

Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described in section 2.4.

SECTION 19.03 TOWN PLANNING COMMISSION

(a) Establishment of Commission

There is hereby established a Planning Commission for the Town (hereafter called the "Commission").

(b) How Constituted

The Commission shall consist of seven (7) members. One member shall be a Town Board member and the Town Chair shall appoint the Commission Chair. The Town Clerk shall be the Commission's Secretary. The Town Board shall appoint six (6) citizen members, three (3) shall be appointed for three (3) year terms and three (3) appointed for two (2) year terms. The Zoning Administrator and the Secretary shall be ex-officio members and shall attend all Commission meetings but not as voting members.

(c) Terms of Office

Terms of office for the citizen members shall start the 1st day of May. Terms of office for the Town Board member, chair, and secretary shall be annual appointments.

(d) Qualifications

All citizen members shall be persons with recognized experience, qualifications, have Town residency, and shall hold office until their respective successors are selected and qualified.

(e) Town Zoning Administrator

(1) There is herewith created the office of Town Zoning Administrator, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Zoning Administrator shall be appointed by the Town Board and shall hold office until

replaced by the Town Board. His/Her duties shall be to administer, supervise, and enforce the provisions of the Town Zoning Ordinance. His/Her compensation shall be determined by the Town Board.

(2) The duties of the Zoning Administrator shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Zoning Administrator may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Administrator is refused entry, a special inspection warrant shall be issued for said premises pursuant to sections 66.122 and 66.123 of the Wisconsin Statutes. The Zoning Administrator may set time limits and conditions for the correction of violations.

(3) The Zoning Administrator shall make a monthly report of his/her activities to the Commission and the Town Board.

(4) The Zoning Administrator shall prepare building permit forms; assist the applicant in preparing his/her application; advise the applicant as to the provisions of the Town Zoning Ordinance; inspect each project for which a permit has been applied for or granted; report violations; and provide this information to the Planning Commission. The Zoning Administrator may issue building permits which are within strict compliance with the requirements of this ordinance when delegated such authority by the Planning Commission. Whenever there is a question other than the literal requirements of this ordinance, it is to be brought directly to the Planning Commission Chair.

(f) Vacancies

Whenever a vacancy shall occur, the Town Board shall appoint an appropriate member to complete the unexpired term.

(g) Matters Referred to the Commission

(1) The Town Board shall refer to the Commission, for its consideration and report before final action is taken by the Town Board the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether public or privately owned; all proposed and final certified surveys and subdivision plats in the Town; the location, character and extent, or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the abandonment or repeal of any ordinance adopted pursuant to planning and zoning. Unless such report is made within 45 days or such longer period as may be authorized by the Town Board, the Town Board may take final action without it.

(2) The Commission shall have the following powers:

(a) To review and approve or deny conditional use permits within the provisions of this Zoning Ordinance.

(b) To review and recommend to the Town Board the approval, conditional approval, or denial of preliminary land divisions.

(c) To review and recommend approval, conditions of approval, or denial of amendment to the text or Official Zoning Map of this ordinance.

(d) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Commission permits such a substitution, the use may not thereafter be changed without application.

(e) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.

(f) Temporary Uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

(h) Meetings

Meetings shall be called when necessary, as specifically determined by the Chair of the Commission. Special meetings may be called by the Chair or upon written request of two Commission members. Notice of special meetings shall be given by personal service or telephone call to all members and the news media at least 24 hours prior to the called special meeting. Notice to the news media may be given by facsimile transmission.

(i) Minutes

The minutes shall be kept by the secretary.

(j) Quorum

Four (4) members shall constitute a quorum to transact any business and formulate its proper action thereon.

(k) Compensation

The members shall be compensated as determined by the Town Board.

(l) Town Board

The Town Board is the public body having authority to change or amend this Ordinance after review and recommendation of the Commission. The Town Board may also direct by majority vote that Building Permits and Conditional Use Permits be issued when in compliance with this Ordinance.

SECTION 19.04 ZONING DISTRICTS

(a) Establishment

For the purpose of this ordinance the Town of Turtle is hereby divided into the following Zoning Districts:

- Rural Residential District (R-R)
- Residential One District (R-1)
- Cluster Overlay District (COD)
- Mobile Home District (MHP)
- Exclusive Agricultural District One (A-1)
- Rural Transition Overlay District (RTO)
- Urban Transition Overlay District (UTO)
- General Agricultural District Two (A-2)
- Small Scale Agricultural District Three (A-3)
- Lowland Conservancy Overlay District (C-1)
- Highland Conservation District (C-2)
- Commercial Highway Interchange District (CHI)
- Local Commercial District (B-1)
- Special Purpose District (SP)
- Light Industrial District (M-1)

(b) Zoning Map and District Boundaries

(1) The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Turtle, Wisconsin", dated October 28, 1998 as amended, which accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines; U.S. Public Land Survey lines; land parcel lines; road right-of-way lines, centerline of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. One copy of said map shall be kept on file in the office of the Town Clerk and a copy correct only

as of the day of passage of this Ordinance shall be attached to this Ordinance. The Town Clerk or Town Board designee shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency. Amendments shall be included on the Official Zoning Map as soon as possible. The original Official Zoning Map shall be kept in the Rock County Planning and Development Agency Office and the Town Clerk shall receive an updated copy as revised current version of said map reflecting current zoning boundary locations. The Clerk shall save at least one copy of all updated Official Zoning Map editions.

(2) Overlay districts, as presented in this section, are created for the purpose of imposing special regulations in given designated areas of the County to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

(c) **General District Regulations**

The following regulations set forth requirements that may not apply universally throughout the town, but rather cover issues that are applicable to one or more districts.

(1) **Right to Farm.** The Town, in establishing exclusive agricultural districts, effectively has decided that agricultural uses of land are appropriate in those districts. An exclusive agricultural district also protects owners of farmland against lawsuits alleging that agricultural practices constitute a public nuisance. According to section 823.08 of the Wisconsin Statutes, the court cannot substantially restrict agricultural practices in an exclusive agricultural use district, except when necessary to protect the public health or safety.

(2) **Exceptions to Height Regulations.** The height limitations contained in the requirements for permitted and conditional uses do not apply to grain elevators, silos, barns, spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(3) **Structures to Have Access.** Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(4) **Parking and Storage of Certain Vehicles.** Motor vehicles without current license plates shall not be parked or stored on any land parcel in the Town of Turtle unless they are in completely enclosed buildings.

(5) A setback less than the setback required by this Ordinance may be permitted where there are at least two (2) existing main buildings existing at the date of enactment of this Ordinance within 200 feet on both sides of the proposed site that are built to less than the required setback. In such case, the setback shall be on the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Commission and shall not require a special exception or variance.

(6) In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.

(7) Where a parcel has an area less than the minimum number of square feet required for the district in which it is located, and was off record as such at the time of the passage of this ordinance, such lot may be occupied by a one (1) family structure if the zoning district setback requirements, septic system, and water well requirements are met.

(8) Vacation of Public Streets, Alleys and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(9) In any district no more than one principal structure shall be allowed as a permitted or a conditional use on a single parcel lot except for condominium units and manufactured homes when in a mobile home park.

(10) All new land parcels shall be served with electric and telephone lines with electric lines being less 12,400 volts. Cable television and natural gas shall be installed underground within the parcels utility easements when the utility line is adjacent to the land division or available to an adjoining parcel. Utility easements and lines shall be required to be on the Building Permit map. Provisions shall be made to assure that installation of utilities take place prior to final land division approval. The only exception will be on an immediately adjacent parcel where existing overhead or underground lines can provide direct service to a structure.

(11) No overhead electric power or telephone shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.

(12) Community living arrangements as provided in Section 60.63 of the Wisconsin Statutes shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 people or one percent (1%) of the town's population, whichever is greater.

(13) No community living arrangement may be established after March 27, 1978 which is located within 2,500 feet of any other such facility. Two community living arrangements

may be adjacent if authorized by the Commission and if both comprise essential components of a single program.

(14) Habitation of a recreational vehicle, tent, or camper shall not take place on a parcel located in the Town for more than a total of fourteen days within a 12 month period.

(15) Storage of a recreational vehicle, mobile home, manufactured home, camper, pull trailer, 5th wheel, snowmobile, all-terrain vehicle, or boat without a current registration/license issued by the State of Wisconsin shall not be parked or placed on any land parcel located in the Town unless within a completely enclosed building. Exception: Pop-up campers and pull trailers under 3,000 pounds are exempt because they do not require Wisconsin registration or licenses.

(16) No new land parcel shall be created that is not in compliance with the minimum land parcel requirements of this ordinance.

(17) All land parcels existing as of the date of approval of this ordinance, that are smaller than the minimum square footage requirement of the assigned zoning district, shall be entitled to the permitted and conditional uses provided in the district when the front, side, and rear yard setbacks, sewer and water requirements can be met.

(18) Semi-Trailers shall not be parked on a parcel of land for more than seven days unless located in a commercial or industrial district. In Agricultural Districts, the use of semi-trailers as a storage facility requires a conditional use permit authorized by the Commission.

(d) Rural Residential District (R-R)

(1) Purpose and Intent of R-R District.

The purpose of the Rural Residential (R-R) District is to provide a method of obtaining the residential goals, objectives, and policies of the Land Use Plan. The intent of the R-R District is to provide for rural residential development on sites served by private sewer systems. The areas zoned R-R should be in and around existing residential development areas indicated on the Land Use Plan Map. These areas should be designed to be quiet, pleasant and relatively spacious living areas projected from traffic hazards and the intrusion of incompatible land uses.

(2) Permitted Uses.

The following uses are permitted uses in this District:

- (a) One single family or one-two family structure. One private garage for each residential unit, not to exceed 90% of the total square footage of the residential structure.

(b) One accessory structure of up to 800 square feet, for the first 40,000 square feet of the land parcel with an additional 100 square feet being able to be added to the accessory structure size for each 10,000 square feet of the parcel above 40,000 square feet but, not to exceed 90% of the total square footage of the residential structure.

(c) Governmental buildings to include Town Halls, Police Department Offices, and Fire Department Facilities.

(d) Public and quasi-public owned parks, playgrounds, public owned community buildings and grounds.

(e) Grade schools, churches and their affiliated uses.

(f) Home occupation offices, when such office is conducted solely by a member of the resident household, entirely within the residence and incidental to the residential use of the premises. Home Occupation offices do not involve any external alteration that would affect the residential character of the building.

(3) Conditional Use.

The following uses require a Conditional Use Permit be approved by the Commission prior to being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the Conditional Use application.

(a) Educational buildings, colleges, universities, including private music and dancing schools.

(b) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums, professional organizations, and fraternities, except those which provide goods and services similar to a business.

(c) Telephone and electric transmission buildings or structures.

(d) Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facility.

(e) Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.

(f) Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that it is

adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.

(g) Home Occupations with up to two (2) non-resident workers, when such business is owned and managed by a member of the resident household. The home occupation shall be contained entirely within the residence or an outbuilding which shall be incidental to the residential use of the premises. Home offices shall not involve any external alteration that would affect the residential character of the building.

(4) Requirements for Permitted and Conditional Uses.

- (a) Maximum Building Height.....35 ft.
- (b) Minimum Building Front Yard Setback on Local Road.....50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- (c) Minimum Front Yard Setback on Corner Lot.....50 ft. on each Road
- (d) Minimum Building Rear Yard Setback.....20 ft.
- (e) Minimum Building Side Yard Setback.....15 ft.
- (f) Minimum Lot Width.....100 ft.
- (g) Minimum Lot Frontage on Public Road.....100 ft.
- (h) Minimum Lot Frontage on Cul-du-Sac Road Bulb.....50 ft.
- (i) Minimum Lot Area Single Family.....40,000 sq. ft.
- (j) Minimum Lot Area Per Two Family Dwelling.....55,000 sq. ft.
- (k) Accessory Buildings Minimum Side Yard Setback.....5 ft.
- (l) Minimum Floor Area Per Family.....1,200 sq. ft.
- (m) Minimum Building Width.....24 ft.

(n) Maximum Accessory Building Height.....35 feet or not to exceed the height of the principal building

(5) Prohibited Uses.

(a) No structure or improvement may be built, or land used in this district unless it is a Permitted Use or an approved Conditional Use in this district.

(b) Sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.

(c) Semi-tractors and trailers shall not be parked or stored in this district for periods of more than seven (7) days at a time.

(e) **RESIDENTIAL ONE DISTRICT - (R-1)**

(1) Purpose and Intent of R-1 District.

The purpose of the Residential (R-1) District is to provide a method of obtaining the residential goals, objectives, and policies of the Land Use Plan and Map. The intent of the R-1 District is to provide for residential development that has been or will be provided with public sewer in the future. The areas zoned R-1 should be in and around existing urban residential indicated on the Land Use Plan Map. These areas should be designed to be quiet, pleasant and relatively spacious living areas protected from traffic hazards and the intrusion of incompatible land uses.

(2) Permitted Uses.

The following uses are permitted uses in this District:

(a) One single family or one-two family structure. One private garage not to exceed 90% of the total square footage of the residential structure.

(b) One accessory structure of up to 720 square feet, for the first 8,900 square feet of the land parcel with an additional 100 square feet being able to be added to the accessory structure size for each 4,000 square feet the parcel is above 8,900 square feet but, not to exceed 90% of the total square footage of the residential structure.

(c) Governmental buildings to include town halls, police department offices, and fire department facilities.

(d) Public and quasi-public owned parks, playgrounds, public owned community buildings and grounds.

(e) Grade schools, churches and their affiliated uses.

(f) Home occupation offices, when such office is conducted solely by a member of the resident household, entirely within the residence and incidental to the residential use of the premises. Home Occupation offices shall not involve any external alteration that would affect the residential character of the building.

(3) Conditional Use.

The following uses require a Conditional Use Permit be approved by the Commission prior to being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the conditional use application.

(a) Educational buildings, colleges, universities, including private music and dancing schools.

(b) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums, professional organizations, and fraternities, except those which provide goods and services similar to a business.

(c) Telephone and electric transmission buildings or structures.

(d) Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facility.

(e) Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.

(f) Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.

(g) Home Occupations with up to two (2) non-resident workers, when such business is owned and managed by a member of the resident household. The home occupation shall be contained entirely within the residence or an outbuilding which shall be incidental to the residential use of the premises. Home occupations shall not involve any external alteration that would affect the residential character of the building.

(4) Requirements for Permitted and Conditional Uses.

(a) Maximum Building Height.....35 ft.

- (b) Minimum Front Yard Setback.....35 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- (c) Minimum Front Yard Setback on
Corner Lot35 ft. on each road
- (d) Minimum Building Rear Yard Setback.....20 ft.
- (e) Minimum Principal Building Side Yard Setback.....8 ft.
- (f) Minimum Lot Width80 ft.
- (g) Minimum Lot Frontage on Public Road.....80 ft.
- (h) Minimum Lot Frontage on
Cul-du-Sac Road Bulb.....50 ft.
- (i) Minimum Lot Area Single Family.....8,900 sq. ft.
- (j) Minimum Lot Area Per Two Family
Dwelling.....12,000 sq. ft.
- (k) Accessory Buildings Minimum Side Yard
Setback.....3 ft.
- (l) Minimum Floor Area Per Family
Structure.....1,200 sq. ft.
- (m) Minimum Residential Building Width.....24 ft.
- (n) Maximum Accessory Building Height35 feet or
not to exceed the height of the principal building

(5) Prohibited Uses.

- (a) No structure or improvement may be built, or land used in this district unless it is a Permitted Use or an approved Conditional Use in this district.
- (b) Sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (c) Semi-tractors and trailers shall not be parked or stored in this district for periods of more than seven (7) days at a time.

(f) **Cluster Overlay District (COD)**

(1) **Purpose and Intent of Cluster Overlay (COD) District.**

a. The purpose of the Cluster Overlay District (COD) is to provide a method to obtain compact development designs in to obtaining the goals, objectives, and policies of the Land Use Plan. The COD is intended to provide for the possible relaxation of certain development standards to the underlying standard zoning district. CODs are designed to promote the aesthetic quality of an area in conjunction with improvements for condominium ownership and planned unit developments.

By controlling the site design, appearance, and intensity with concert with the sites physical features, development standards can become more flexible for land uses, setbacks, public improvements, density, height, landscaping, and parking requirements. This district is designed to overlay the standard zoning districts.

b. **Flexible Development Standards for Cluster Overlay Development District.**

1. Permitted Location: CODs shall be a minimum of ten (10) acres located in area indicated for residential or commercial development on the Land Use Plan. CODs shall be permitted with the approval of a Cluster Overlay Development Zoning District as provided in this Ordinance.

2. Flexible Development Standards: The following exemptions to the development standards of the underlying standard zoning district may be provided with the approval of a Cluster Overlay District:

(i) **Land Use Requirements:** All land uses listed as permitted uses in the underlying zoning district may be permitted within a COD.

(ii) **Density and Intensity Requirements:** The maximum number of lots or units in a COD is determined by dividing the number of square feet in the land parcel(s) by the minimum lot size of the underlying zoning district.

(iii) **Bulk Requirements:** All bulk requirements (setback and height) may be waived within a COD.

(iv) **Landscaping Requirements:** A landscaping plan is required as part of the application.

(v) **Roads, Parking and Loading Requirements:** A road and parking plan is required as part of the application.

c. Requirements to Depict All Aspects of the Development:

Only development which is explicitly depicted on the required site plan approved by the Town Board as part of the COD, shall be permitted, even if such development (including all aspects of land use, density and intensity bulk, landscaping, parking and loading), is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Commission and approved explicitly by the Town Board.

d. Applications for a Cluster Overlay District:

Applications for approval of a COD shall be:

1. by the owner(s) of the subject property to the Town for designation of a COD zoning district;
2. by the owner(s) of the subject property to the County Planning and Development Agency for a land division;
3. recommended by the Commission to the Town Board, to assign the COD zoning district to the subject land parcel;
4. recommended by the Commission to the County Planning and Development Commission for Preliminary Approval and Final Approval of a COD Land Division; or
5. approved by action of the Town Board.

e. Application Requirements:

All applications for a proposed COD shall be reviewed and approved as a complete application by the Zoning Administrator prior to forward copies of said complete application to the Commission.

(2) COD Process Step 1: Pre-Application Conference - Sketch Plan.

a. The Applicant shall contact the Zoning Administrator to place an informal discussion item for the COD on the Commission agenda. The Applicant shall also contact the County Planning and Development Agency for an informal meeting pertaining to a COD land division.

1. Information required for the agenda include the name of the Applicant and the identification of the COD discussion item on the agenda.

2. At the Commission meeting, the Applicant shall engage in an informal discussion with the Commission regarding the potential COD. Appropriate topics for discussion may include the location of the COD, general project themes and images, type of land uses being considered, approximate residential densities and non-residential intensities, open space concepts, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.

3. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step.

4. The Applicant shall provide the Zoning Administrator with a Proposed COD Sketch Plan Submittal Packet for the Zoning Administrator's determination of completeness prior to placing the proposed COD on the Commission agenda for Sketch Plan review. This submittal packet shall contain all the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Commission agenda for Concept Plan review.

b. A Sketch Plan Map of the subject property and its vicinity at a minimum scale of one inch equals five hundred feet. The Sketch Plan Map shall indicate the proposed land uses and depict a conceptual design layout. The Sketch plan shall also provide the parcel layout, roads, and land uses on the adjacent 250 feet of all adjoining land parcels. The Sketch Plan shall include the proposed land uses as indicated on the Land Use Plan Map.

1. A general written description of proposed COD including:

- (i) General project themes and images;
- (ii) The general mix of dwelling unit types and/or land uses;
- (iii) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
- (iv) The general treatment of natural features;
- (v) The general relationship to nearby properties and public streets;
- (vi) The general relationship of the project to the land Use Plan;
- (vii) An initial draft list of zoning standards which will not be met by the proposed COD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed COD and location(s) in which they apply. Essentially, the purpose of this listing shall

be to provide the Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and,

2. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

- (i) Land Use Exemptions;
- (ii) Density and Intensity Exemptions;
- (iii) Bulk Exemptions;
- (iv) Landscaping Exceptions;
- (v) Parking and Loading Requirement Exemptions;

3. A conceptual plan drawing at a scale of one inch equals one hundred feet of the general land use layout and the general location of major public streets and/or private drives.

(i) Within ten working days of receiving the draft COD Concept Plan Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed COD Concept Plan shall be placed on the Commission agenda.

(ii) At the Commission meeting, the Applicant shall engage in an informal discussion with the Commission regarding the conceptual COD. Appropriate topics for discussion may include any of the information provided in the COD Concept Plan Submittal Packet, or other items as determined by the Commission.

(iii) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for the Commission to review the sketch plan more than once prior to introduction of the formal petition.

(3) COD Process Step 2 - Preliminary Plan Application

a. The Applicant shall provide the Zoning Administrator with a Preliminary Plan Application of the COD Submittal Packet. for a determination of completeness prior to placing the proposed Application on the Commission agenda for COD review. This submittal packet shall contain all the

following items: which are to be reviewed and certified as a complete Preliminary Plan Application by the Zoning Administrator, prior to the Applications acceptance and placement as an item on a Commission agenda for COD review:

1. A location map of the subject property and its vicinity at scale of one inch equals five hundred feet.
2. A map of the subject property showing all lands for which the COD is proposed, and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Real Property **Lister** Office of Rock County. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 500 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
3. A general written description of proposed COD including:
 - (i) General project themes and images;
 - (ii) The general mix of dwelling unit types and/or land uses;
 - (iii) Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - (iv) The general treatment of natural features;
 - (v) The general relationship to nearby properties and public streets;
 - (vi) The general relationship of the project to the Master Plan;
 - (vii) A Statement of Rationale as to why COD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed COD zoning.
 - (viii) A complete list of zoning standards which will not be met by the proposed COD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed COD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Commission with information necessary to determine the relative merits of the project in regard to private benefit versus

public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

(ix) A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:

- [1] Land Use Exemptions;
- [2] Density and Intensity Exemptions;
- [3] Bulk Exemptions;
- [4] Landscaping Exceptions;
- [5] Parking and Loading Requirements Exceptions.

b. A Preliminary Plan Map shall be submitted at a minimum scale of one inch equals one hundred feet (on 24" x 36" paper) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A Preliminary Plan Map of the general land use layout and the general location of major public streets and/or private drives;
2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
3. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Commission or Town Board;
4. A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this chapter and use of extra landscaping and sideyards.
5. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles) which are proposed to vary from standard or common practices.
6. Written justification for the proposed COD.

c. The process and fees for review and approval of the COD shall be determined by the Town Board. In addition, the Applicant shall pay reimbursement of municipal consultant cost. The approval of a COD shall establish a COD overlay that is depicted as such on the official zoning map. The underlying use zoning, however, shall control development within the area until all or a portion of the area is approved as a COD.

d. Prior to Commission recommendation to the Town Board for approval, approval with modification, or denial, a public hearing shall be held to consider the proposed COD. All property owners within 1000 feet of the subject property shall be notified by First Class Mail no later than **10** [7] days prior to the public hearing.

e. All portions of an approved COD not fully developed within three years of final Town Board approval shall expire, and no additional COD-based development shall be permitted. The Town Board may extend this three year period by up to five additional years via a majority vote following a public hearing.

(4) COD Process Step 3 - Final Plan

a. After the effective date of the rezoning to COD, the Applicant may file an application for a proposed Final Plan with the Commission. This submittal packet shall contain all the following items: prior to its acceptance by the Zoning Administrator and placement of the item on a Commission agenda for COD review:

1. A location map of the subject property and its vicinity at one inch equals five hundred feet.

2. A location map of the subject property showing all lands for which the COD is proposed, and all other lands within 250 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Real Property Lister Office of Rock County. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier.

3. A general written description of proposed PIP including:

(i) Specific project themes and images;

(ii) The specific mix of dwelling unit types and/or land uses;

(iii) Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;

(iv) The specific treatment of natural features;

(v) The specific relationship to nearby properties and public streets;

(vi) A Statement of Rationale as to why COD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed COD zoning.

(vii) A complete list of zoning standards which will not be met by the proposed COD which and location(s) in which they apply and a complete list of zoning standard which will be more than met by the proposed COD and the location(s) in which they apply shall be identified. The purpose of this listing shall be to provide the Commission with information necessary to determine the relative regard to the mitigation of potential adverse impacts created by design flexibility. List items shall be provided in the following order:

- [1] Land Use Exemptions;
- [2] Density and Intensity Exemptions;
- [3] Bulk Exemptions;
- [4] Landscaping Exceptions;
- [5] Parking and Loading Requirements Exceptions.

b. A Precise Implementation Plan (PIP) Drawing at a minimum scale of one inch equals one hundred feet (on 24" x 36" paper) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:

1. A COD site plan conforming to any and all the requirements of this chapter. If the proposed COD is group development, a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan;
2. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
3. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by Commission or Town Board; and
4. Notations relating the written information provided above to specific areas on the COD Final Plan Map.

c. A landscaping plan for subject property specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart that provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.

d. A series of building elevations for the entire exterior of all buildings in the COD, including detailed notes as to the materials and colors proposed.

e. A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and signage themes which are proposed to vary from Town standards or common practices.

f. A general outline of the intended organizational structures for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.

g. A written description which demonstrates the full consistency of the proposed COD with the Preliminary Plan approval.

h. Any and all variations between the requirements of the applicable COD zoning district and the proposed COD development; and

i. The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

j. The area included in a Precise Implementation Plan (PIP) may be only a portion of the area included in a previously approved General Implementation Plan.

k. The PIP submission may include site plan and design information, allowing the Commission to combine design review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.

l. The Commission may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.

m. The process and fees for review and approval of the COD shall be determined by the Town Board. In addition, the Applicant shall pay reimbursement of municipal consultant cost. The approval of a COD shall formally establish the COD overlay zoning district and any such land uses and site plans included in the approved PIPs.

n. All portions of an approved COD not fully developed within five years of final Town Board approval shall expire, and no additional COD-based development shall be permitted. The Town Board may extend this period by up to five additional years via a majority vote following a public hearing.

o. Approved COD Districts that have not been established as a subdivision or condominium plat within a three year time limit shall revert to the pre-existing zoning designation.

(5) Cluster Development Implementation

Upon recommendation of the Commission, approval of the COD Zoning District by the Town Board of the Final Plan, preliminary approval of the subdivision/condominium plat by the County Planning and Development Agency, and construction of proposed roads, the Applicant may apply for building permits from the Zoning Administrator. Upon granting of the necessary permits, the Applicant may proceed with construction as provided in the Precise Implementation Plan.

(g) **MOBILE HOME PARK OVERLAY DISTRICT MHP**

The purpose of the Mobile Home Park Overlay (MHP) District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of mobile home parks and establish regulations governing their construction and use for the health and well-being of residents of the community.

(1) Procedures and Applications

a. Approvals Required No person shall construct, expand, or operate a Mobile Home Park within the Town unless he/she holds a valid license.

1. Any person owning or controlling a Mobile Home Park in existence on the effective date of this ordinance may apply for and receive an annual license for his/her existing park or camp by following subsection (3)(d) of this Section.

2. The Town Clerk shall issue an initial license only after the following actions have taken place:

(i) The land has been zoned as a Mobile Home Park Overlay District over residential base district by the Town Board.

(ii) The applicant completes [an] application form and **submits** it to the Town Clerk together with the required license fee.

(iii) The Town Board approves the license.

b. Fees and Expiration Date

1. Fee Schedule

(i) Initial Mobile Home Park License Fee

.....To Be Determined by Town Board.

(ii) Annual Mobile Home Park License Fee
.....To Be Determined by Town Board.

(iii) Mobile Home Park License Transfer Fee
.....To be Determined by Town Board.

(iv) Expiration. All such licenses are to expire on the 30th day of June of each year and shall be renewed annually. There shall be no proration of fees.

c. Initial License Application

1. Application for an initial license shall be made to the Town Clerk on an initial license application form. Fees as provided in Subsection (1)(b)(i) above are required prior to taking action on each of the approval steps listed herein.

2. Preliminary Plan The applicant shall apply for preliminary plan approval to the Planning Commission. Such applicant shall submit six (6) copies of the Preliminary Plan. Such preliminary plan shall be drawn on a topographic map with a scale of at least one inch equals 100 feet showing two foot contours, the area, location and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Commission shall be in concept only which will enable the applicant to prepare final plan.

3. Final Plan Upon approval by the Commission of the preliminary plan, the applicant shall submit to the Commission a review fee which shall be determined by the Town Board and six (6) copies of the general development plan which shall include:

(i) Three (3) prints of a Certified Survey Map, subdivision plat, or plat of survey of the property showing existing features of the mobile home park.

(ii) A complete plan of the park or camp drawn to a scale of not less than 100 feet per inch.

(iii) The number, location and dimensions of all Mobile home lots.

(iv) The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.

(v) The location of auto parking areas and service buildings, if provided.

(vi) The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.

(vii) Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home lot.

4. Upon submission of the final plan to the Commission, the Commission shall set a public hearing on the final plan and after hearing any interested party, any staff report, recommendation or information, the Commission shall make a recommendation and report to the Town Board concerning such plan after determining the following:

(i) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended park.

(ii) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

(iii) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.

(iv) Approval by Town Board. After receiving the final plan and the recommendation and report from the Commission, and holding a public hearing the Town Board may grant approval of the MHP Overlay District and thereafter grant the initial license.

(v) Such permit shall not be issued until the requirements of this section have been fulfilled. After the conditional use permit is issued, the Town Clerk is authorized to issue an initial license upon payment of the required fee.

(vi) Procedure After Permit Granted Upon approval of a MHP, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin, a certified survey map or Subdivision Plat (pursuant to Chapter 236 of the Wisconsin Statutes) of the gross land area including the final approved plans and the deeding to the Town those lands and easements called for in the plans

submitted to the Commission and Town Board and containing a statement that the land is to be developed pursuant to the approved conditional use permit. Upon the submission of proof of such recording to the Town Clerk, said Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the conditional use permit and recorded plans. Construction pursuant to such permit must commence within six months of the date of the license issuance or the license shall become null and void.

5. License Application Annual License. The applicant shall apply to the Town each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a current County Health Department License, a current State of Wisconsin License, and a fee as provided in (1)(B)(i) above.

6. Transfer of License A transfer of license application shall be applied for and may be approved by the Town Board in the same manner as an application for a renewal license. The fee for such transfer license is provided in subsection (2)(a) above.

b. Administration

1. Zoning Administrator It shall be the responsibility of the Zoning Administrator to enforce the provisions of this ordinance by authorizing and directing inspections to be made of all model home parks.

2. Violations Whenever the Zoning Administrator determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violations. Such notice shall:

(i) Be in writing.

(ii) Include a statement of the violations enumerated.

(iii) Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 90 days.

c. Revocation of License Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in Section 66.058(2)(d) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by Town Board.

d. Emergency Order Whenever the Zoning Administrator finds that an emergency exists which requires immediate action to protect the public health, safety and/or welfare, he may, without notice or hearing, issue an order reciting the existence of such an emergency to meet the emergency, including the suspension of the license. Said order shall be in writing, shall be notwithstanding any other provisions of this ordinance, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to the revocation of the mobile home park license.

e. Duty of License Holder

1. It shall be the duty of the license holder to file with the Town Clerk a monthly report containing the following information on a form sheet:

(i) Name of mobile home park, name and address of owner, agent, or operator.

(ii) A tabulation of mobile home park occupancy listing lot designation, occupants names, monthly tax and date of departure or arrival.

2. Within five days of the arrival of each new mobile home occupant, the owner shall submit in duplicate to the Town Assessor Form 130-2 of the Wisconsin Department of Revenue for a Mobile Home.

3. Restrictions on Occupancy of Mobile Homes No mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home lot and connected to water, sewerage, electrical and other utilities and complies with all provisions of this ordinance.

(2) General Provisions

a. Applicability All additions to MHP District added to after the effective date of this ordinance shall conform to and be governed by the provisions of this ordinance. No area shall be rezoned to Mobile Home Park District unless it is planned for residential use on the Development Plan Map. Every mobile home park developed and governed by this ordinance shall first have an approved conditional use permit prior to being licensed.

b. It shall be unlawful to permit a mobile home to be located in a park or camp unless it is placed in a designated stand, on an improved lot, in a licensed park.

c. Parking of Mobile Homes

1. Only one mobile home shall be placed on a lot except that an unoccupied travel trailer may be parked behind the setback line of the owner's yard to the rear of the principal building.

2. Each mobile home shall abut upon a roadway within an approved park.

d. Non-Residential Uses No part of any park shall be used for non-residential purposes except for the management and maintenance of the park or camp as approved by the Town Board.

e. Signs No signs shall be permitted except as provided in Section 13 of this Ordinance.

(3) Standards

a. Minimum Park Size There shall be a minimum of 10 acres of land developed as a MHP in the initial development.

b. Minimum Number of Lots There shall be a minimum of (10) ten mobile home lots completed and ready for occupancy before first occupancy is permitted.

c. Length of Residential Occupancy No lot shall be rented for residential use of a mobile home in any such MHP except for periods of thirty (30) days or more.

d. Compliance with Code Standards No mobile home shall be admitted in any mobile home park unless it can be demonstrated that it meets all the requirements of U.S. Department of Housing and Urban Developments' Manufactured Home Construction Standards.

e. Minimum Lot Width and Setback Standards

1. Building Setback Standards

(i) Front Yard Setback

Rural Residential.....50 ft.

Urban Residential.....35 ft.

(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)

(ii) Side Yard Setback

Rural Residential.....15 ft.

Urban Residential.....8 ft.

(iii) Rear Yard Setback

Rural Residential.....35 ft.

Urban Residential.....20 ft.

- (iv) Corner Lot Side Yard Setback on Road
 - Rural Residential.....50 ft. on each street
 - Urban Residential.....35 ft. on each street

- 2. Minimum lot width
 - Rural Residential.....100 ft.
 - Urban Residential.....80 ft.

- 3. Minimum Lot Area
 - Rural Residential.....40,000 sq. ft.
 - Urban Residential.....8,900 sq. ft.

- 4. Minimum Accessory Side Yard Setback
 - Rural Residential.....5 ft.
 - Urban Residential.....3 ft.

f. Parking At least two (2) off-street hard surfaced parking spaces shall be provided on each mobile home lot. The size of each space must be at least 10 feet by 20 feet. Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least 30 feet wide.

g. Screening There shall be provided a screening buffer strip along the boundary of the mobile home park where it abuts any other residence district. Such screening shall be at least five (5) feet in width and ten (10) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.

h. Recreation Requirements Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the persons the park is designed to serve. Not less than ten percent (10%) of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.

i. Tenant Storage One storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed 400 cubic feet and does not exceed eight (8) feet in height. Such storage building shall be fully enclosed and located on the mobile home lot.

j. Fuel Supply All fuel shall be distributed in conformity with the rules and regulations of the Department of Commerce.

k. Additions and Alterations

- 1. Permit Required. A permit issued by the Zoning Administrator shall be required before any construction on a mobile home lot or any structural addition or alteration

to the exterior of a mobile home. No permit is required for addition of steps, awnings, skirting, windows, doors, or tenant storage structures as defined below.

2. Size of Expansion. No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.

3. Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.

4. Skirting Required. Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provided inside the skirting to prevent the freezing of pipes.

l. Utilities shall be installed underground and shall meet State of Wisconsin Statutes and Administrative Codes.

1. Electrical Requirements.

(i) Each mobile home and travel trailer lot shall be connected to the park electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each mobile home lot shall be 12-240 volts AC, 100 amperes.

(ii) Adequate lights shall be provided in mobile home parks to illuminate streets, driveway, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one foot candle shall be provided for safe pedestrian and vehicle movement.

2. On-site or Public Sewer Service. All mobile homes shall be served by common sewer. Each mobile home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage.

lot. 3. Water. Common water shall be provided by separate lateral at each mobile home

m. Mobile Home Stand, Patio, and Tie Downs

1. A mobile home stand shall be a continuous 4 inch concrete single slab equal to the size of the trailer with tiedowns every ten feet.

2. The mobile home stand shall be provided with six anchors and tie-downs such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices securing the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

n. Roadways

1. All roadways constructed in a MHP shall be hard surfaced built according to Town Road Standards.

2. The minimum pavement width of roadways shall be 22 feet. The minimum pavement diameter of cul-de-sacs shall be 140 feet.

3. The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface water and ground water.

4. The names of roadways within the park shall not duplicate the names of streets within Rock County.

o. Lot Markers The limits of each MHP lot shall be clearly marked on the ground by permanent flush stakes, markers and have a unique number and street name that is not duplicated within Rock County.

p. Fences and Hedges Fences and hedges may be permitted provided they do not exceed a height of three feet in the front yard or corner side yard and six feet in height in all other yards.

q. Garbage and Rubbish Storage Areas Garbage and rubbish shall be stored in fly-tight, water-tight, approved containers stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.

r. Service Building For Travel Trailer Camps There shall be at least one (1) service building in any travel trailer camp to provide sanitation and laundry facilities.

1. Location, Construction and Maintenance. Service buildings, easily accessible to all travel trailer lots shall be made of permanent construction in accordance with Rock County and State of Wisconsin Codes. The service building shall maintain a minimum temperature of 60 degrees F. whenever the camp is open for business.

2. Plumbing and Electrical Facilities. Plumbing and electrical facilities in service buildings shall be as set forth in State of Wisconsin Administrative Standards.

s. Community Centers Each mobile home park shall have a community center which shall be easily accessible to all park residents for their exclusive use. Such centers shall include: kitchen facilities; rest room facilities for men and women; meeting room space of at least 1,000 square feet; a basement which shall be built to a size which will provide adequate protection to all park residents in the event of severe weather.

t. The Town Board may require that a letter of credit or cash deposit be executed by the mobile home park developer to insure that all required improvements will be made.

(h) **EXCLUSIVE AGRICULTURAL DISTRICT ONE (A-1)**

(1) Purpose and Intent

a. The purpose of the A-1 District is to provide a method of obtaining the agricultural goals and objectives and protecting the Agricultural Preservation Areas indicated in the Town Land Use Plan and the County Farmland Preservation Plan. This district exclusively provides for agricultural uses and uses consistent with agriculture. The intent in having this district is to conserve prime agricultural soils and historically farmed areas for agricultural production. Furthermore, it is to prevent unsightly development sprawl, uneconomical spread of development which results in excessive costs to the community for the provision of essential public services. Prime agricultural soils are predominant in this district and are to be very sparsely developed to protect the Town's and the County's agricultural economic base.

B. All structures and improvements in this district shall be "consistent with agricultural use" as defined in the definitions section of this ordinance. This district's boundaries shall be consistent with the Exclusive Agricultural Preservation areas on the certified County Farmland Preservation Plan Map.

(2) Permitted Uses

The following uses are permitted in this district:

a. General farming including dairying, livestock grazing, game farms, poultry and fish hatcheries, and poultry raising; bee keeping, and egg production; except the housing of these agricultural uses shall not be located within 100 feet of a property line of a land parcel containing a residence of the person engaged in farming.

b. Forestry, floriculture, horticulture, commercial and wholesale green houses, orchards, paddocks, raising of corn, beans, peas, sorghum, tobacco, grain, grass, mint and seed crops; raising of fruits, nuts, and berries; truck farming, and nurseries; sale of farm products produced on the premises that do not require outside processing before sale.

c. Residences that are consistent with agricultural use and are occupied by the owner(s) of the parcel.

d. Installation of an antenna on a communication tower or alternative tower structure when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

a. Procedures

1. Conditional Uses allowed under the district are required to meet both of the following requirements before a permit is granted:

(i) The use must be "consistent with agricultural use" as defined in Section 91.01(10) of the Wisconsin Statutes and is provided in the definitions section of this ordinance.

(ii) The use must be found necessary in light of alternative locations available for that use.

2. The Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional uses approved in this district. This shall be accomplished by:

(i) The Town Clerk or designee providing a copy of the conditional use permit approved by the Commission to the Rock County Planning and Development Agency.

(ii) The County Planning and Development Agency will assign the conditional use permit and any attached conditions to the data base of the respective land parcel as an element of the Official Town Zoning Map.

(iii) The Planning and Development Agency shall notify the Department of Agriculture, Trade and Consumer Protection of all conditional use permits approved in this district on a monthly basis when the land division map is finalized as part of the County administration of the Farmland Preservation Program.

b. Conditional Use Permit

The following uses require approval of a Conditional Use Permit by the Commission prior to the use being established:

1. Residence for a person who, or a family where at least one adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.
2. Residence for a parent or child of an owner, who conducts the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.
3. Residence for a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.
4. Churches for religious use, veterinary clinics, and hospitals serving agricultural uses, publicly owned park and recreational areas, and town halls.
5. Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided structures are enclosed by an eight-foot or more protective fence.
6. For purposes of farm consolidation, pre-existing farm residences whose initial construction began before May 14, 1992 may be separated from the farm parcel. Farm residences or structures being separated shall not exceed five (5) acres. The Commission is herein granted the authority to reduce the parcel size below five (5) acres based on the proposed parcels physical characteristics and farmland being taken out of production. The remaining portion of the original parcel shall conform to the standards of this district. Any separation of farm residences or structures from an existing parcel shall meet all of the following requirements:
 - (i) The separation is for the purpose of farm consolidation;
 - (ii) The residence or structures existed prior to the adoption of this ordinance;
and
 - (iii) The separated parcel is no larger than reasonably necessary to accommodate the proposed use.

7. A structure or improvement made as a part of a lease for oil and natural gas exploration and extraction.

8. Farm family business which is a lawful activity (except a farm operation) conducted primarily for the following:

(i) The purchase, sale, lease, or rental of real property.

(ii) The processing or marketing of products, commodities or other personal property.

(iii) The sale of services is limited to being within existing farm residences or structures as of the date of the passage of this ordinance, or portions of the existing farmstead that are not dedicated to agricultural uses, and agricultural services including veterinary clinics and hospitals.

(iv) No more than two (2) persons who are not members of the resident farm family may be employed in the family farm business.

9. Migrant labor housing and structures.

10. Holding pens, feed lots, and animal confinement operations where livestock is kept for a specific period of time in a confinement building, yard, or shed, where the manure is removed, feed and water are brought to the animals which exceed 300 animal units at a density of more than one (1) animal unit for each 100 square feet of area.

11. Riding stables, riding schools, and hunting clubs using game birds, poultry, fowl and similar hunting type activities in the non-agricultural season as a farm family business that are incidental to agriculture use.

12. The installation of one manufactured home on an operating farm, when one of the occupants of the household in the manufactured home is actually engaged in that farm operation.

13. Agricultural related uses including grain elevators; seed, fertilizer, and farm chemical sales, feed mills, commercial corn drying and storage facilities, and similar agricultural activities.

14. Agriculture-related airstrip not open to the public which is accessory to the farm use.

15. Structures and improvements on an easement or a parcel of land that is part of the Ice Age Trail under Sections 23.17 and 23.293 of the Wisconsin Statutes which are incidental to trail use and consistent with agricultural uses.

16. Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.

17. The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with the dominant colors of the farmstead buildings.

18. Non-Agricultural, residential development may take place as a conditional use in this district when:

(i) The proposed parcels are not located on soil types of Class 1, 2, or 3, Agricultural Capacity Units as indicated in the Soils Survey of Rock County, Wisconsin published by the U.S. Soil Conservation Service.

(ii) The number of residential parcels including the farmland owner, and any son, daughter, or parent parcels and any non-agricultural/residential parcels cannot exceed one (1) residential land parcel for each one-quarter (1/4), of one-quarter (1/4), Section of land (approximately 40 acres) contained in the land parcel originally purchased by the current land owner.

(iii) All non-agricultural residential parcels shall adjoin any existing residential structures that are not located on Class 1, 2, or 3 Agricultural Capability Unit Soils, or in residential clusters not located on Class 1, 2, or 3 Agricultural capability unit soils.

(iv) Each non-agricultural residential land parcel shall be part of a residential cluster designed to maximize the number of parcels (determined by using the one parcel to 40 acre ratio), with an internal public road or joint driveways located on future road right-of-way connecting to the public road network.

(v) Residential Lot Size

Minimum Lot Size.....40,000 sq. ft.

Maximum Lot Size.....60,000 sq. ft.

19. All Permitted Uses, Conditional Uses, and the Standards of this A-1 District are part of this non-agricultural/residential development as long as the parcels do not infringe on Agricultural Capability Unit Soil Types 1, 2, or 3.

20. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Standards For Permitted and Conditional Uses

Within the A-1 District the following standards shall apply:

- a. Minimum Parcel Size.....35 Acres
- b. A conditional use land parcel for: a parent or child of the owner, a separate land parcel for the owner, or pre-existing farm residence, shall not exceed 5 acres.
- c. The Commission is herein granted the authority to reduce the proposed parcel size for a parent, child, the owner, or a pre-existing farm residence below five (5) acres based on the proposed parcels physical characteristics, location of existing structures, and/or the quality of farmland that would be taken out of production.
- d. The remaining portion of a parent parcel shall conform to the minimum parcel size of 35 acres.
- e. Parcels of land existing as of the effective date of this ordinance that are less than 35 acres, shall be entitled to one (1) residential structure for the owner of the parcel and shall not be further divided.
- f. Maximum Building Height.....35 feet Residential Structures
- g. Other Structure Height limitations.....None
- h. Minimum Front Yard Setback on Local Road.....50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- i. Minimum Rear Yard Setback.....35 feet
- j. Minimum Side Yard:
 - 1. Principal Buildings.....20 Feet on Each Side
 - 2. Accessory Buildings.....10 Feet on Each Side
- k. Minimum Lot Width on a public road.....100 feet
- l. Minimum Residential Structure Size.....1,200 sq. ft.
- m. Minimum Residential Structure Width.....24 feet

(5) Findings Before Rezoning Parcels Out of This District

The Town Board may approve petitions for rezoning areas zoned under this district only after findings are made, based upon consideration of the following:

- a. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
- b. Provision of public facilities to accommodate development will not place an unreasonable burden on the affected local units of government to provide them.
- c. The land is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.
- d. The Town Board shall document that items (A), (B), and (C) were considered by providing their findings on each of these issues in writing to the Department of Agriculture, Trade and Consumer Protection along with notification of any land zoned out this district. This shall be accomplished by:

- 1. The Town Clerk providing an approved copy of the zoning change and findings approved by the Town Board, to the Rock County Planning and Development Agency.

- 2. The County Planning and Development Agency will assign the zoning change to the respective land parcel on the Official Town Zoning Map.

- 3. The Planning and Development Agency shall notify the Department of Agriculture, Trade and Consumer Protection of all zoning changes and conditional use permits, approved in this district, on a monthly basis when the land division map is finalized, as part of the Administration of the Farmland Preservation Program.

(6) Prohibited Uses

- a. No structure or improvement may be built on a parcel of land in this district unless it is consistent with the permitted or conditional agricultural uses listed in this district.

(i) **RURAL AGRICULTURAL TRANSITION (RAT) DISTRICT**

(1) Purpose and Intent

- a. The Rural Agricultural Transition (RAT) District consists of areas of predominantly agricultural use which are identified on the Plan Map as Rural Transition Areas for future rural development. This district exclusively provides for existing agricultural uses but is an area where rural growth is expected as indicated on the Land Use Plan Map and subsequently can be rezoned as indicated on the plan at the discretion of the Town. The intent in having this district is to accommodate

rural growth where cost effective public infrastructure can readily be made available. It is also intended to prevent unsightly development sprawl, uneconomical spread of development which results in excessive costs to the community for the provision of essential public services.

(2) Permitted Uses

The following uses are permitted in this district:

- a. General farming including dairying, livestock and poultry raising, bee keeping, floriculture, and forest management; grazing, livestock raising, orchards, plant green houses, and nurseries; egg production and poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; except the housing of livestock or poultry shall not be located within 100 feet of any property line of a residential or farmstead land parcel other than that of the owner of the buildings containing livestock or poultry.
- b. Forestry, grazing, hatcheries, nurseries, orchards, paddocks, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale.
- c. Residences that are consistent with agricultural use and are occupied by the owner(s) of the parcel.
- d. Structures and improvements on an easement or a parcel of land that is part of the Ice Age Trail under Sections 23.17 and 23.293 of the Wisconsin Statutes which are incidental to trail use.
- e. Installation of an antenna on a communication tower or alternative tower structure when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

a. Procedures

- 1. Conditional Uses allowed under the district are required to meet both of the following requirements before a permit is granted:

(i) The use must be "consistent with agricultural use" as defined in Section 91.01 (10) of the Wisconsin Statutes and is provided in the definitions section of this ordinance.

(ii) The use must be found necessary in light of alternative locations available for that use.

b. Conditional Use Permit

The following uses require approval of a Conditional Use Permit by the Commission prior to the use being established:

1. Residence for a person who, or a family where at least one adult member of which, earns the majority of his or her gross income from conducting farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.
2. Residence for a parent or child of an owner, who conducts the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.
3. Residence for a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.
4. Churches, veterinary hospitals, publicly owned park and recreational areas, town halls, and other government uses.
5. Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided they are enclosed by an eight foot or more protective fence.
6. A structure or improvement made as a part of a lease for oil and natural gas exploration and extraction.
7. Migrant labor housing and structures.

8. Game management, fish and fur farms, veterinary services, commercial or wholesale greenhouses, sod farms; and other agricultural uses that may cause additional traffic, noxious odors, or noise.

9. Riding stables, riding schools, and hunting clubs using game birds, poultry, fowl and similar hunting type activities in the non-agricultural season as a farm family business that are incidental to agriculture use.

10. Agricultural related uses including grain elevators; seed, fertilizer, and farm chemical sales; feed mills; commercial corn drying and storage facilities, and similar agricultural activities.

11. Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.

12. The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.

13. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Standards For Permitted and Conditional Uses

Within the RAT District the following standards shall apply:

a. Minimum Parcel Size.....35 Acres

b. Parcels of land of less than 35 acres in this district that: front on a public road for a minimum of 100 feet, previously existed at the time of adoption of this ordinance shall be limited to one (1) residential structure for the owner of the parcel.

c. Maximum residential parcel size for a parent or child of the owner, or separate owner parcel.....5 Acres

d. Maximum Residential Building Height.....35 Feet

e. Other Agricultural Structures Height Limitations.....None

f. Minimum Front Yard Setback on Local Road.....50 Feet
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)

g. Minimum Rear Yard Setback.....50 Feet

h. Minimum Side Yard:

1. Principal Buildings.....20 Feet On Each Side

2. Accessory Buildings10 Feet On Each Side

i. Minimum Lot Width.....100 Feet

j. Animals Per Acre1 animal unit per acre, additional animals per acre will require a conditional use permit.

k. Minimum Residential Structure Size.....1,200 Sq. Feet

l. Minimum Residential Structure Width.....24 Feet

(5) Findings Before Rezoning Land Parcels Out of this District

The Town may approve petitions for rezoning areas zoned under this district only after findings are made based upon consideration of the following:

a. The proposed zoning district is consistent with the Plan.

b. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

c. Provision of public facilities to accommodate development will not place an unreasonable burden on the affected local units of government to provide them.

d. The land is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.

(6) Prohibited Uses

a. No structure or improvement may be built on a parcel of land in this district unless it is consistent with the permitted or conditional agricultural uses listed in this district.

(j) **URBAN AGRICULTURAL TRANSITION (UAT) DISTRICT**

(1) Purpose and Intent

a. The purpose of the UAT District is for areas of predominantly agricultural use which are identified in the plan for future urban development. This district exclusively provides for existing agricultural uses but is an area where urban growth is expected as indicated on the Land Use Plan and subsequently can be rezoned and indicated on the plan. The intent in having this district is to accommodate urban growth where cost effective public infrastructure can readily be made available. It is also intended to prevent unsightly development sprawl, uneconomical spread of development which results in excessive costs to the community for the provision of essential public services.

(2) Permitted Uses

The following uses are permitted in this district:

a. General farming including dairying, livestock and poultry raising; bee keeping, floriculture, and forest management; grazing, livestock raising, orchards, plant green houses, and nurseries; egg production and poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts, and berries; except the housing of livestock or poultry shall not be located within 100 feet of any property line of a residential or farmstead land parcel other than that of the owner of the buildings containing livestock or poultry.

b. Forestry, grazing, hatcheries, nurseries, orchards, paddocks, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale.

c. Residences that are consistent with agricultural use and are occupied by the owner(s) of the parcel.

d. Structures and improvements on an easement or a parcel of land that is part of the Ice Age Trail under Sections 23.17 and 23.293 of the Wisconsin Statutes which are incidental to trail use.

e. Installation of an antenna on a communication tower or alternative tower structure when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

a. Procedures

1. Conditional Uses allowed under the district are required to meet both of the following requirements before a permit is granted:

(i) The use must be "consistent with agricultural use" as defined in Section 91.01(10) of the Wisconsin Statutes and is provided in the definitions section of this ordinance.

(ii) The use must be found necessary in light of alternative locations available for that use.

b. Conditional Use Permit

The following uses require approval of a Conditional Use Permit by the Commission prior to the use being established:

1. Residence for a person who, or a family where at least one adult member of which, earns the majority of his or her gross income from conducting farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

2. Residence for a parent or child of an owner, who conducts the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

3. Residence for a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel. Residential parcels shall be located adjacent to existing residential parcels, or on the least agriculturally productive soils of the large parcel, where the new parcel can abut a public road for a minimum of 100 feet.

4. Churches, veterinary hospitals, publicly owned park and recreational areas, town halls, and other government uses.

5. Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided they are enclosed by an eight foot or more protective fence.

6. A structure or improvement made as a part of a lease for oil and natural gas exploration and extraction.

7. Migrant labor housing and structures.

8. Game management, fish and fur farms, veterinary services, commercial or wholesale greenhouses, sod farms; and other agricultural uses that may cause additional traffic, noxious odors, or noise.

9. Riding stables, riding schools, and hunting clubs using game birds, poultry, fowl and similar hunting type activities in the non-agricultural season as a farm family business that are incidental to agricultural use.

10. Agricultural related uses including grain elevators; seed, fertilizer, and farm chemical sales; feed mills; commercial corn drying and storage facilities, and similar agricultural activities.

11. Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.

12. The location of semi-trailers for agricultural storage in and around the farmstead when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.

13. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Standards For Permitted and Conditional Uses

Within the UTA District the following standards shall apply:

a. Minimum Parcel Size.....35 Acres

b. Parcels of land of less than 35 acres in this district that: front on a public road for a minimum of 100 feet, previously existed at the time of adoption of this ordinance shall be limited to one (1) residential structure for the owner of the parcel.

c. Maximum residential parcel size for a parent or child of the owner, or separate owner parcel.....5 Acres

d. Maximum Building Height.....35 Feet Residential Structures

e. Other Agricultural Structures Height Limitations.....None

f. Minimum Front Yard Setback on Local Road.....50 Feet (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)

g. Minimum Rear Yard Setback.....30 Feet

h. Minimum Side Yard:

1. Principal Buildings.....20 Feet on Each Side

2. Accessory Buildings.....10 Feet On Each Side

i. Minimum Lot Width At Building Line.....100 Feet

j. Animals Per Acre.....1 animal unit per acre, additional animals per acre will require a conditional use permit.

k. Minimum Residential Structure Size.....1,200 Sq. Feet

l. Minimum Residential Structure Width.....24 Feet

(5) Findings Before Rezoning Land Parcels Out of this District

The Town may approve petitions for rezoning areas zoned under this district only after findings are made based upon consideration of the following:

a. The proposed new zoning district is consistent with the Plan.

b. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

c. Provision of public facilities to accommodate development will not place an unreasonable burden on the affected local units of government to provide them.

d. The land is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.

(6) Prohibited Uses

a. No structure or improvement may be built on a parcel of land in this district unless it is consistent with the permitted or conditional agricultural uses listed in this district.

(k) **GENERAL AGRICULTURAL DISTRICT TWO (A-2)**

(1) Purpose and Intent of Agricultural District Two (A-2)

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Land Use Plan for land parcels located in the General Agricultural Area.

This district is designed to promote the maintenance and preservation of areas that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units.

(2) Permitted Uses

The following uses are permitted in this district:

- a. General farming including dairying, livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- b. Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, and other appropriate agricultural pursuits, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two signs with each sign face no larger than 4 feet by 8 feet (totaling up to 32 square feet) advertising such sale.
- c. One single family residence for owners of the parcel.
- d. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- a. Churches, veterinary hospitals, publicly owned park and recreational areas, town halls, and other government uses.
- b. Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided they are enclosed by an eight-foot or more protective fence.
- c. A structure or improvement made as a part of a lease for oil and natural gas exploration and extraction.

d. Farm family business which is a lawful activity (except a farm operation) conducted primarily for the following:

1. The purchase, sale, lease, or rental of real property;
2. The processing or marketing of products, commodities or other personal property; and
3. The sale of services. The farm family business is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses.
4. No more than two (2) persons who are members of the resident farm family may be employed in the family farm business.

e. Migrant labor housing and structures.

f. Game management, fish and fur farms, veterinary services, commercial or wholesale greenhouses, sod farms, and other agricultural uses that may cause additional traffic, noxious odors, or noise.

g. Holding pens, feed lots, and animal confinement operations exceeding 30 animal units or more, or, where there is over one (1) animal unit for each 100 square feet where livestock are housed for given period of time, in a limited area, confined building, yard, or shed where the manure is removed, feed and water are brought to the animals.

h. Riding stables, riding schools, and hunting clubs using game birds, poultry, fowl and similar hunting type activities in the non-agricultural season as a farm family business that are incidental to agriculture use.

i. The installation of one manufactured home on an operating farm, when the head of the occupant household of the manufactured home is actually engaged in that farm operation.

j. Agricultural related uses including grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; animal confinement operation, commercial corn drying and storage facilities, and similar agricultural activities.

k. Agriculture-related airstrip not open to the public which is accessory to the farm use.

l. Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.

- m. The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.
- n. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Requirements for Permitted and Conditional Uses

- a. Minimum Lot Size.....10 Acres
- b. Maximum Lot Size.....34.99 Acres
- c. Maximum Building Height.....35 Feet for Residential Structures
- d. Other Agricultural Structures Height Limitations.....None
- e. Minimum Front Yard Setback on Local Road.....35 Feet (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- f. Minimum Rear Yard Setback.....50 Feet
- g. Minimum Side Yard:
 - Principal Buildings.....20 Feet On Each Side
 - Accessory Buildings.....10 Feet On Each Side
- h. Minimum Lot Width.....100 Feet
- i. Animals Per Acre.....1 animal unit per acre, additional animals per acre will require a conditional use permit.
- j. Minimum Residential Structure Size.....1,200 Sq. Feet
- k. Minimum Residential Structure Width.....24 Feet

(5) Prohibited Uses

- a. No structure or improvement may be built, or land used, in this district unless it is a Permitted or an approved Conditional Use in this District.

(I) **SMALL SCALE AGRICULTURAL DISTRICT THREE (A-3)**

(1) Purpose and Intent of Agricultural District Three (A-3)

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Land Use Plan for the areas indicated as Small Scale Agricultural Area on the Land Use Plan Map. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for combined rural residential/agricultural use. The A-3 District is intended to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 Districts are to be located in areas with soil types that do not have on-site sewer limitations and existing parcel sizes of 3 to less than 10 acres.

(2) Permitted Uses

The following uses are permitted in this district:

- a. One residential structure per parcel.
- b. General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms; farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than the residence of the owner or lessee of the parcel.
- c. In-season roadside stands for the sale of farm products produced on the premises, and up to two signs not larger than eight square feet each advertising such sale.
- d. Gardening, including truck gardens, nurseries and greenhouses.
- e. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- f. Publicly owned parks, playgrounds, recreational and community center buildings and grounds.
- g. Pre-schools, K-12 schools, churches and their affiliated uses.
- h. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- i. Water storage facilities and their accessory structures.
- j. Accessory buildings, including buildings clearly incidental to the residential use of the property provided that no accessory building may be used as a separate dwelling unit.

k. Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.

l. Home occupation offices, when such office is conducted solely by a member of the resident household, entirely within the residence and incidental to the residential use of the premises. Home occupation offices do not involve any external alteration that would affect the residential character of the building.

m. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

a. Home occupations with up to two (2) non-resident workers, when such business is owned and managed by a member of the resident household. The home occupation shall be contained entirely within the residence or an outbuilding which shall be incidental to the residential use of the premises. Home occupations shall not involve any external alteration that would affect the residential character of the building.

b. Professional offices, when such office is conducted solely by a member or members of the resident family, if the use is conducted entirely within the residence and incidental to the residential use of the premises.

c. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, community buildings, private clubs, and fraternities except those whose principal activity is a service customarily carried on as a business, or also riding club.

d. Fur farms, kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations.

e. If a proposed family farm business, agri-business, storage building, or sewage sludge disposal site is located on a Town road, no Conditional Use Permit shall be issued unless the Commission is assured that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's expense by a letter of credit that will protect the Town against any expense due to the inability or refusal of the applicant to repair any damage to the road.

f. The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.

g. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Requirements for Permitted and Conditional Uses

a. Maximum Building Height.....35 ft.

b. Minimum Side Yard Setback
Principal Buildings.....20 ft.
Accessory Buildings.....10 ft.

c. Minimum Front Yard Setback on Local Road.....50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)

d. Minimum Rear Yard Setback.....30 ft.

e. Minimum Lot Area.....3 Acres

f. Maximum Lot Size.....9.99 Acres

g. Animals Per Acre.....1 animal unit per acre
Additional animals per acre require a Conditional Use Permit.

h. Minimum Lot Width on Public Road.....100 ft.

i. Minimum Residential Building Width.....24 ft.

j. Minimum Residential Building Size.....1,200 sq. ft.

(5) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or an approved Conditional Use in this district.

(m) **COMMERCIAL HIGHWAY INTERCHANGE DISTRICT (CHI).**

(1) Purpose and Intent

The purpose of the CHI District is to provide a means of obtaining the commercial and transportation goals and objectives of the Master Plan. The CHI District is to provide facilities to serve the traveling public at locations along federal and state highway routes. This district is intended to provide and protect sites that are suited to highway service development from haphazard development that could destroy the best use of such sites for their unique business functions.

(2) Permitted Uses

The following uses are permitted uses in this district:

- a. Gasoline service stations; provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least 100 feet from any existing or officially proposed street right-of-way line.
- b. Automobile repair shops, including shops for general mechanical repairs, and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments for painting automobiles or major automobile body or engine repair.
- c. Leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers or utility trailers.
- d. Establishments engaged in the daily or extended term rental or leasing for use of the premises of mobile homes, campers, or recreational vehicles.
- e. Hotels and motels.
- f. Restaurants, taverns, lunch rooms and other eating places, including drive-in type establishments.
- g. Commercial parking lots, parking garages, parking structures.
- h. Tourist-oriented retail shops, including souvenir shops, and gift shops.
- i. Residential use only when an integral part of the commercial building.
- j. Sales offices, administrative offices, warehousing of finished goods, construction equipment storage areas when enclosed by a solid eight (8) foot high fence, and truck terminals which do not rebuild drive line components or do body work.
- k. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Use

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- a. Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but no other types of products or merchandise.
- b. Wholesale merchandise establishments.
- c. Recreational vehicle parks, areas in which two or more spaces are occupied, or intended for occupancy by recreational vehicles, travel trailers, or campers for transient dwelling purposes only.
- d. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.
- e. Flea Markets.

(4) Requirements

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback on Local Road.....50 ft.
(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setbacks.....50 ft.
- d. Minimum Lot Width at Building Line.....100 ft.
- e. Minimum Lot Frontage on Public Road.....100 ft.
- f. Minimum Lot Area.....3 acres
- g. Minimum Side Yard Setback.....20 ft.
- h. Truck Unloading Area - Sufficient space so that no streets or alley need be blocked.
- i. Off-Street Parking, Public Gathering - 1 space per 3 seats if applicable or 1 space per 300 sq. ft. of building.

- j. Maximum Lot Coverage of Buildings to Lot Size....20%
- k. Natural Features such as drainage areas, wet soils, and steep slopes shall be maintained as natural areas.
- l. A minimum of twenty (20%) percent of the area of each parcel shall be permanently reserved as open space with grass, flowers, shrubs, cover plants, trees, or similar treatment within the area from the front of the principal structure and the front yard line. Driveways or parking lots shall not qualify for such green area but ponds or fountains may qualify.
- m. Site Plan. Prior to issuing any building permit, a site plan showing the location of access or frontage roads, driveways, land parcels, truck parking, automobile parking, principal structure, accessory structures, petroleum pumps, and other proposed features shall be prepared, reviewed and approved by the Commission after review and recommendation by the Commission. Areas in the CHI District shall have an interior road network dedicated to the public which will provide adequate access for future lots to the public road system. The site plan shall use the design standards of this section as minimum requirements.
- n. No permits shall be granted for access points located within 1,000 feet of the most remote end of taper of any existing or proposed entrance or exit ramp of an interchange, or at intervals of less than 600 feet thereafter. Access points along opposite sides of intersecting highways shall be located either directly opposite each other, or directly opposite a median strip crossover, or separated by at least 300 feet of lateral distance along the highway centerline.
- o. Truck parking areas shall be separated from automobile parking areas. The road network shall be designed to separate automobile traffic and truck traffic while integrating activities.

(n) **LOCAL COMMERCIAL DISTRICT (B-1)**

(1) **Purpose and Intent of Local Commercial District B-1**

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Development Plan. The intent of this district is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

(2) **Permitted Uses**

- a. Stores and shops in which items are sold directly to the public to include grocery, hardware, clothing and apparel stores, drug and beverage stores, bakeries,

magazine and tobacco stores, coffee shops, gift shops, parking areas and similar retail establishments normally found in neighborhood shopping centers.

- b. Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional services in which services are offered to the general public on the premises.
- c. Personal services to include barbershops, beauty salons, tailor shops, and coin operated laundromats.
- d. Governmental and public facilities such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds.
- e. Banks, office buildings, and restaurants.
- f. Sales and retail of new and used automobiles, trucks, trailers, construction equipment, and agricultural equipment.
- g. Gasoline/Convenience stores which do not provide mechanical services.
- h. Model homes for sales promotion, lumber yards, building services and building supplies.
- i. Mini-warehousing and general warehousing of merchandise in enclosed buildings.
- j. Television, video, radio, and electrical equipment sales, service, and rental.
- k. Plumbing, heating, and air-conditioning sales and repair shops.
- l. Technical schools, and training centers.
- m. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- a. Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.

- b. Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers.
- c. All public utility facilities, sewage treatment facilities.
- d. Animal hospitals and clinics, excluding open kennels and exercise yards.
- e. Maintenance and repair of equipment and vehicles.
- f. Construction contractor offices, equipment storage yards, and maintenance facilities.
- g. Fabrication, assembly, processing, and/or packaging of plastics products, electrical equipment, jewelry, and pottery.
- h. Automotive upholstery shops and automotive body repair shops.
- i. Feed and grain dealers, grain storage.
- j. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Requirements for Permitted and Conditional Uses

- a. Maximum Building Height.....35 ft.
- b. Minimum Frontage on Local Road.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Parking Requirements.....One 200 sq. ft. parking space for each 200 sq. ft. of building.
- d. Minimum Lot Area.....40,000 sq. ft.

Other Setbacks

- Rear Yard.....25 ft.
- Side Yard.....15 ft.
- Width at Building Line.....100 ft.
- e. Accessory Building Side Yard Setback.....10 ft.

(5) Prohibited Uses

No structure or improvement may be built, or land used in this district unless it is a Permitted Use or an approved Conditional Use in this district.

(6) **LOWLAND CONSERVANCY OVERLAY DISTRICT (C-1)**

(1) Purpose and Intent Lowland Conservancy Overlay District One (C-1)

The purpose of the C-1 Overlay District is to provide a method of obtaining the goals and objectives of the Land Use Plan. The C-1 District is designed to: protect public health and safety, property values, general welfare of the community; protect property from the hazards of flood water, inundation of ground water; and protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which have physical limitations for development because of being in areas with potential for flooding, soils with low bearing capacity, soils that are wet, and other environmental considerations that indicates that this land should be used for open land uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings.

(2) Permitted Uses

The following uses of land are permitted in this district:

- a. Agricultural uses to include crop and pasture land when conducted in accordance with the Soil Conservation Service standards, but not including the erection of buildings or structures.
- b. Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- c. Forestry and the management of forests.
- d. Wildlife preserves.
- e. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- f. Hunting, fishing, trapping, piers, docks, and boat houses.
- g. Public and private parks, picnic areas, and similar uses.
- h. Hiking trails and bridle paths.
- i. Preservation of areas of scenic, historic, or scientific value.

- j. Watershed conservation areas.
- k. Parking areas.
- l. Uses similar and customarily incident to any of the above uses.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- a. Dams, reservoirs, ponds, and primary water storage facilities.
- b. Commercial outdoor recreation facilities but not to include amusement parks, drive-in theaters and race tracks.
- c. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
- d. Public utilities lines and facilities including pipelines, telephone, telegraph, electric power, and other transmission lines.
- e. Relocation of any watercourse.
- f. Filling, drainage or dredging of wetlands, provided that this shall conform to the Shoreland Zoning Ordinance enacted by Rock County pursuant to Section 59.692 of the Wisconsin Statutes.
- g. Removal of topsoil, peat, and sod.
- h. Camping grounds open to the public.
- i. Golf courses both public and private, miniature golf facilities and driving ranges.
- j. Hunting and fishing clubs provided that the adjoining areas will not be adversely affected.
- k. Sewage disposal treatment plants.
- l. Agricultural accessory structures when they conform with Soil Conservation Service Standards and guidelines.

(4) Requirements for Permitted and Conditional Uses

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Setback from High Water Mark.....75 ft.
- d. Minimum Rear Yard Setback.....50 ft.
- e. Minimum Lot Size.....No Minimum Lot Size
- f. Minimum District Width.....30 ft.
- g. Minimum Side Yard Setback.....20 ft.
- h. Off-street Parking, Public Gathering..1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.

(5) Prohibited Uses

- a. No structure or improvement may be built, or land used in this district unless it is a Permitted or an approved Conditional Use in this district.

(p) **HIGHLAND CONSERVATION DISTRICT TWO (C-2)**

(1) Purpose and Intent of Highland Conservation District Two (C-2)

The purpose of the C-2 District is to provide a method of obtaining the open space, natural resource, and the recreation goals and objectives of the land use plan. The C-2 District is intended to provide for the preservation, protection, enhancement, and restoration of woodlands, scenic areas, marginal farm land, and areas with slopes in excess of 12%. It is also intended to help limit erosion and sedimentation; promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural areas, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality.

(2) Permitted Uses

The following uses are permitted uses in this District:

- a. Forest and woodland crop management.
- b. Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
- c. Installation of soil and water conservation structures.
- d. Parks and recreational areas, arboretums, and botanical gardens.
- e. Forest preservation, wildlife reservations, and conservation projects.
- f. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Use

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- a. Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges, rifle ranges, fish ponds, gun clubs, hunting reserves, and other similar activities when located 100 feet from the boundaries of the property involved.
- b. Horse stables, riding clubs, and fairgrounds.
- c. Private and public golf courses and accessory uses.
- d. Earth movements involving site disturbing in excess of two acres not related to farming activity.
- e. Stream course changing, waterway construction or enlargement, dams, and changing of natural drainageways.
- f. One single family dwelling.
- g. Ski hills, ski trails, hunting and fishing clubs.
- h. Recreation camps and tactical war games.
- i. Public or private campgrounds.
- j. Animal hospitals, shelters and kennels.

- k. Radio, television, communication transmitters, or relay towers and facilities.
- l. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Requirements for Permitted and Conditional Uses

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback.....50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setback.....25 ft.
- d. Minimum Lot Width.....100 ft.
- e. Minimum Lot Frontage on Public Road.....100 ft.
- f. Minimum Lot Area.....10 Acres
- g. Minimum Side Yard Setback.....20 ft.
- h. Minimum Accessory Building Setback.....10 ft.
- i. Minimum Residential Building Size.....1,200 sq. ft.
- j. Minimum Building Width.....24 ft.
- k. Off-Street Parking, Public Gathering.....1 space per 200 sq. ft. of building or 1 space per 5 anticipated users at maximum usage of facilities.

(5) Prohibited Uses

- a. No structure or improvement may be built, or land used in this district unless it is a Permitted use or an approved Conditional Use in this district.

(q) **SPECIAL PURPOSE DISTRICT (SP)**

(1) Purpose and Intent of Special Purpose Districts (SP)

The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The S-P District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land.

This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.

(2) Permitted Uses

The following uses are permitted in this district:

- a. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- a. Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- b. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
- c. Airports open to the public, hangars, or accessory structures.
- d. Cemeteries.
- e. Race tracks, sewerage treatment facilities.
- f. Accessory structures required by the principal use as part of the original application.
- g. Junkyard and automobile salvage yards.
- h. Sand and gravel quarry and process operations. If on-site mining or processing operations are not carried out continuously for one year at any location, the same shall be considered to have been abandoned, and, prior to any further excavation or processing, a new conditional use permit shall be required.
- i. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Requirements For Conditional Uses

- a. Minimum Lot Area.....5 Acres
- b. Minimum Front Yard Setback from Public Road...50 ft. (All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Side Yard Setback.....50 feet
- d. Minimum Rear Yard Setback.....50 feet
- e. Off Street Parking.....1 Space Per 5 Seats, or 1 Space Per 5 Anticipated Uses At Maximum Usage of Facility.
- f. Sand and Gravel Operations
 - 1. Minimum Lot Area.....5 Acres
 - 2. Setback From Existing Street or Highway.....100 Feet
 - 3. Setback from Right-of-Way Public Utility.....50 Feet
 - 4. Setback from Boundary of Zoning District.....100 Feet
 - 5. Fencing and Screening.....any mining operation within one-half mile of any residential district shall have a chain link or similar fencing no less than six (6) feet high around the entire mining site.
 - 6. No dumping of waste products or by-products shall be allowed anywhere on the site.
 - 7. Restoration Plan to be developed approved by the Commission.
 - 8. Minimum Accessory Side Yard Setback..50 ft.

(5) Prohibited Uses

No structure or improvement may be built, or land used in this district unless it is a Permitted use or an approved Conditional Use in this district.

(r) **LIGHT INDUSTRIAL DISTRICT (M-1)**

(1) Purpose and Intent of Light Industrial District (M-1)

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the Land Use Plan. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry. The uses allowed in this district, either permitted or conditional use, shall only provide for discharge of domestic waste unless connected to public sewer. Any uses producing other than domestic waste shall be permitted only when public sewer is available. Some conditional uses may require further investigation as to the disposal of other wastes.

(2) Permitted Uses

The following uses are permitted in this district:

- a. Repair and maintenance of agricultural equipment and the sale of equipment.
- b. Public or private offices with sewage discharge limited to domestic effluent.
- c. Building material sales.
- d. Storage or wholesaling of manufactured goods.
- e. Warehousing, including mini-warehouses, but they shall not have floor drains to prevent groundwater contamination.
- f. Public utility facilities.
- g. Police, fire & postal stations.
- h. Repair & maintenance of automotive upholstery.
- i. Commercial bakeries.
- j. Greenhouses.
- k. Dry printing & publishing.
- l. Distributors of food products.
- m. Contractor's offices, including plumbing, heating, air conditioning and electrical.
- n. Parking lots.
- o. Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(3) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Commission prior to the use being established. The Commission shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- a. Assembly of goods.
- b. Truck and bus terminals, pipeline terminals, bulk tank facilities for petroleum, gas and chemical products for wholesale or retail sales.
- c. Welding, sheet metal and blacksmith fabrication.
- d. Garages for repair and servicing of motor vehicles including body repair, painting or motor rebuilding.
- e. Laboratories and facilities for research, development and testing.
- f. Contractors storage yards and sale of machinery and equipment.
- g. Packing and packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, tobacco, toiletries and food.
- h. Storage facilities for flammable gases.
- i. Animal hospitals, animal clinics or veterinary services.
- j. Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(4) Parking and Loading Requirements

- a. All light industrial establishments shall provide one 200 square foot parking space per two employees.
- b. Every structure or building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than 10 feet by 40 feet and having a height clear of all obstructions, of 14 feet, according to the following schedule:

GROSS FLOOR AREA

LOADING SPACES

5,000 Sq. Ft. to 24,000 Sq. Ft.....1

24,000 Sq. Ft. to 60,000 Sq. Ft.....	2
60,000 Sq. Ft. to 96,000 Sq. Ft.....	3
96,000 Sq. Ft. to 144,000 Sq. Ft.....	4
144,000 Sq. Ft. to 192,000 Sq. Ft.....	5
192,000 Sq. Ft. to 240,000 Sq. Ft.....	6
240,000 Sq. Ft. to 294,000 Sq. Ft.....	7
294,000 Sq. Ft. to 348,000 Sq. Ft.....	8

For each additional 54,000 Sq. Ft. one additional loading space is required. The Commission may permit the required loading spaces to remain undeveloped until they are needed.

(5) Screening

All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial use or districts either:

- a. By a solid wall or fence not less than six feet nor more than eight feet in height; or
- b. By a densely planted hedge or shrubbery at least six feet in height which effectively causes a visual barrier; or
- c. By a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least six feet in height.

(6) Requirements

- a. Maximum Building Height.....35 ft.
- b. Minimum Front Yard Setback from Public Road.....50 ft.
If parking is permitted in front yard.....75 ft.
(All front yard setbacks are to also refer to Section 9.1 off this Ordinance for setbacks on arterial, collector, and local roads.)
- c. Minimum Rear Yard Setback.....50 ft.

- d. Minimum Side Yard Setback.....20 ft.
When abutting a residential area.....35 ft.
- e. Corner Lot Side Yard Setback.....50 ft.
- f. Minimum Lot Size.....2.5 acres
- g. Minimum Lot Width.....100 ft.
- h. Minimum Employee Parking....1 space per 2 employees
- i. Minimum Accessory Side Yard Setback.....10 ft.
- j. No permitted or conditional use shall produce any effluent or waste products other than domestic effluent which is the only thing that shall be disposed of in the parcels on-site sewage disposal system.

(7) Prohibited Uses

- a. No structure or improvement may be built, or land used in this district unless it is a Permitted Use or approved Conditional Use in this district.

SECTION 19.05 CONDITIONAL USE PERMITS

(a) **General Provisions**

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application in duplicate to the Town Clerk and issuance of a Conditional Use Permit by the Commission. A Conditional Use Permit shall be issued only upon satisfaction of the requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

(b) **Required Information**

In order to secure evidence upon which to base its determination, the Commission may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Ordinance.

(c) **Procedure**

(1) The procedure for obtaining a Conditional Use Permit is as follows:

a. A Conditional Use Permit Application is submitted to the Town Clerk.

b. The Town Clerk or designee shall notify all property owners within 1,000 feet of the parcel in question and publish a Class 1 Legal Notice listing the time and place of the public hearing, conditional use being proposed, and the location of the proposed Conditional Use.

c. A public hearing is held by the Commission.

d. The application and information obtained at the public hearing is reviewed by the Commission at a public meeting as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

e. Upon consideration of these factors and the standards in Section 5.4 of this Ordinance, the Commission may approve, approve with conditions, or deny the Conditional Use Application.

f. Upon approval, the Chair of the Commission shall forward a copy of the approved conditional use application and any conditions of approval to the Town Clerk and to the County Planning and Development Agency. The County will enumerate the Conditional Use on the Official Zoning Map and enter it into the Town's Conditional Use Data Base.

g. If a permit is denied, the Commission shall provide its decision in written form to the applicant, listing the reasons for denial and explaining the applicant's appeal rights to circuit court.

(2) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Commission if the: conditional use is not actively utilized for a period of six months, conditions of approval are not being met, or the conditional use is expanded without Commission approval. The Commission at its discretion and without going through the full conditional use process, may make changes that are less than substantial changes to a Conditional Use Permit and its conditions.

(3) The owner of a parcel of land upon which a conditional use permit has been issued may voluntarily surrender said permit, whereupon the permit shall terminate and no longer run with the parcel.

(d) Standards Applicable to All Conditional Uses

(1) In considering a Conditional Use Permit application, the Commission shall consider the following factors:

- a. That the amount of land is limited to that which is reasonably necessary to accommodate the proposed use.
- b. Wherever possible a proposed use shall be placed on that portion of a parcel which contains the poorest quality agricultural soils or that portion of the parcel which would be the least productive for agricultural purposes, and the use shall be placed as close as possible to other non-agricultural uses.
- c. The location of the site with respect to existing or future roads giving access to it.
- d. Its compatibility with existing uses on land adjacent thereto.
- e. Its harmony with the future development of the district.
- f. Existing topography, drainage, soil types, and vegetative cover.
- g. Its relationship to the public interest, the purpose and intent of this Ordinance and providing substantial justice to all parties concerned.

(2) No conditional use permit shall be issued for any use which might result in damage to town roads, including, but not limited to, the operation of an agri-business or the use of sewage sludge for fertilizer purposes, unless the Commission is assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond, an irrevocable letter of credit, or cash deposit, assuring that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full expense, that will protect the town against any expense due to the inability or refusal of the applicant to repair any damage to the road.

(e) Standards Applicable to Conditional Uses within the A-1 District

(1) In considering a Conditional Use Permit application in the A-1 District, the Commission and Town Board shall also consider the following factors:

- a. The potential for conflict with agricultural use.
- b. The need of the proposed use for a location in an agricultural area.
- c. The availability of alternative locations.

- d. Compatibility with existing or permitted uses on adjacent lands.
- e. Wherever possible a proposed use shall be placed on that portion of a parcel which contains the poorest quality agricultural soils or that portion of the parcel which would be the least productive for agricultural purposes, and the use shall be placed as close as possible to other non-agricultural uses.
- f. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- g. The need for public services created by the proposed use.
- h. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- i. The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

(f) Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Commission may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

(g) Notice and Public Hearing

Before issuing a Conditional Use Permit, the Commission shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Commission shall be posted as a Class 1 notice as referred to in Chapter 985 of the Wisconsin State Statutes. The Town Clerk or Designee shall also notify all property owners within 1,000 feet of the land parcel in question by regular mail with the above information.

(h) Conditional Use Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Town in accordance with the following schedule:

- (1) Conditional Use Fee.....to be Determined by Town Board by Resolution.

SECTION 19.05 BUILDING PERMITS

(a) Explanation

A Building Permit is required to be obtained from the Zoning Administrator as a requirement of this Ordinance and as a requirement of General Ordinance No. 3 Building Code that is herein made part of this zoning ordinance. Prior to issuing a Building Permit the Zoning Administrator shall review the proposed use, the existing zoning district assigned to the building site land parcel, and determine if the proposed use is consistent with the district and other provisions of the ordinance. The permit shall expire 12 months after issuance if the dwelling exterior has not been completed.

(b) Building Permits

(1) Cases where Building Permit is required:

- a. Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area;
- b. Where any land use is substantially altered; and
- c. Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.

(2) Cases where Building Permit is not required.

- a. For any accessory building which is less than 81 square feet provided such building conforms to all the setback, yard and open space requirements of this Ordinance;
- b. For any improvements or alterations to an existing building where the materials and the labor will be \$2,500 or less, where there is not a structural change, a land use change, or encroachment upon any yard requirement or open space; and
- c. For any maintenance repairs that do not involve a change to the structure.

(3) A separate building permit is required for each building or structure.

(4) The Building Permit Card issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

(c) **Application for Building Permit**

An application for a Building Permit shall be made to the Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (1) When a new building or addition to an existing building is being proposed an accurate map is required of the land parcel including proper dimensions showing:
 - a. The lot line distances and setback line distances of the land parcel involved.
 - b. The current zoning applied to the land parcel, building plans, and building estimated costs.
 - c. The location of the centerline and the road right-of-way lines of any abutting streets or highways.
 - d. The location on the lot of: all existing buildings, proposed additions to existing buildings, and all proposed new buildings; the measured distances between existing buildings and from two lot lines, and from the centerline or road right-of-way lines of any abutting streets or highways to the nearest portion of such building.
 - e. The floodway, floodfringe, and the normal high water line of any stream or lake on which the property adjoins or includes.
 - f. Where the use involves an on-site sewer system, the map shall include the location of the water well and pipe system and sewage system, which shall conform to the requirements set forth in the Wisconsin Administrative Code. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.

(d) **Building Permit Fee**

The applicant, upon filing of the Building Permit with the Zoning Administrator, shall pay a fee to the Zoning Administrator in accordance with the following schedule:

- (1) Building Permit.....To Be Determined by Town Board.
- (2) Accessory Building Permit.....To Be Determined by Town Board.

SECTION 19.07 BOARD OF ADJUSTMENT

(a) **Establishment**

There is hereby established a Board of Adjustment for the Town for the purposes set forth in this Section.

(b) **Membership**

The Board of Adjustment shall consist of three (3) members appointed by the Town Chair and confirmed by the Town Board.

- (1) Terms shall be for staggered three-year periods.
- (2) Chair shall be elected annually by the Board from among its members.
- (3) Conflict of Interest Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.
- (4) An Alternate Member shall be appointed by the Town Chair for a term of three (3) years and shall act only when a regular member is absent or cannot vote because of conflict of interest.
- (5) No member shall be a Town Board member, Commission member or the Zoning Administrator.
- (6) Secretary shall be the Town Clerk.
- (7) Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.
- (8) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- (9) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (10) Compensation shall be as determined by the Town Board.

(c) **Organization**

The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

- (1) Meetings shall be held at the call of the Chair and shall be open to the public.
- (2) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its finding of fact. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
- (3) The Concurring Vote of two (2) members of the Board shall be necessary to exercise the powers enumerated in Section 7.4.

(d) Powers

The Board of Adjustment shall have the following powers:

- (1) Errors To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Commission or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.
- (2) Variances To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted, nor shall a variance be granted where the conditions exist as a result of a self-imposed hardship.
- (3) Interpretations To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Commission has made a review and recommendations.
- (4) Procedures Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, or bureau of the Town affected or by any decision of the zoning administrator, or other administrative officer.
- (5) Permits The Board may reverse, affirm wholly or partly, modify any decision of the Zoning Administrator, Building Inspector, Plumbing Inspectors, or Electrical Inspector and may direct the issuance of a permit.
- (6) Assistance The Board may request assistance from other town and county officials, departments, agencies and boards.
- (7) Oaths The Chair shall administer oaths and may compel the attendance of witnesses by subpoena.

(e) **Appeals and Applications**

Appeals from **the** [a] decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved, or by an Administrator, department, Commission, board, or bureau of the Town. Such appeals shall be filed with the Town Clerk within sixty (60) days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the Town Clerk. Such appeals and applications shall include the following:

- (1) Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within one thousand (1000) feet.
- (2) Map of the Area showing all of the information required under Section 6.3 for a Building Permit.
- (3) Additional Information required by the Planning Commission, Board of Adjustment, Town Attorney, or Zoning Administrator.
- (4) Fee Receipt from the Town Clerk. Fee to be set by the Town Board by Resolution.

(f) **Hearings**

The Board of Adjustment shall hold a public hearing within thirty (30) days of receiving written application for the hearing. The Board, or designee shall give a Class 2 Legal Notice under Chapter 985 of the Wisconsin Statutes. Written notice of the public hearing shall be sent to the parties in interest, land owners within 1000 feet of the applicant land parcel, the Zoning Administrator, and the Commission. At the hearing, the appellant or applicant shall appear in person, by agent, or by attorney.

(g) **Standards for Evaluating Variances**

The variance procedure allows the dimensional standards in an ordinance to be varied in response to unusual circumstances which constitute unnecessary hardship. Variances are not to be granted routinely. The applicant for a variance must clearly show the Board of Adjustment that three statutory standards that govern the granting of a variance will be met. These three standards require the existence of unnecessary hardship, the presence of a unique property limitation, and the protection of the public interest. Use variances shall not be granted by the Board. A change in use requires a zoning map or text amendment.

- (1) Unnecessary Hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. Board members must judge what is a feasible use for a particular parcel as a whole. A variance is

not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.

a. The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not one that affects all parcels similarly. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance. If either circumstances renders the parcel unsuitable for any use permitted under the existing ordinance - if all area, yard and setback requirements are observed - the parcel may qualify for a hardship.

b. Loss of profit or pecuniary (financial) hardship is not in and of itself grounds for a variance.

c. Self-imposed hardship is not a ground for a variance. Reductions resulting from the sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public highway, deed restrictions imposed by the owners predecessor in title, and improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.

d. The hardship cannot be one that would have existed in absence of a zoning ordinance. Sometimes, a legitimate hardship results from the interaction of the provision of the zoning ordinance with other actions or regulations adopted by public authorities.

(2) Unique Property Limitation is where unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be wetland, soil type, parcel shape or a steep slope that limits the reasonable use of the property.

(3) Protection of the public interest is where granting a variance must neither harm the public interest nor undermine the purpose of the ordinance. The Board's actions should be consistent with the "Purpose" and "Intent" sections stated in this Ordinance. The public interest includes the interests of the public at large, not just that of the nearby property owners. Lack of opposition does not in itself mean that a variance will not harm the public interest.

a. In granting variances the Board may impose special conditions to ensure that the public welfare is not damaged. The conditions must relate reasonably to the purpose and intent established in this ordinance.

b. A variance should include only the minimum relief necessary to allow reasonable use of a property.

c. Violations by or variances granted to neighboring owners do not justify a variance.

d. Variances are attached to the property as a permanent right. Once a variance has been granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to a previous owner if all the conditions that are attached to the variance are met.

(h) Findings

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

(1) Exceptional Circumstances

There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(2) Absence of Detriment

The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

(3) Findings of Fact

The decision of the Board shall be accompanied by findings of fact stating the basis for the decision.

(i) Decision

The Board of Adjustment shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator and the Commission.

(1) Conditions may be placed upon any Building Permit ordered or authorized by the Board.

(2) Variances granted or building permits directed by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(j) **Review by Court of Record**

Any person or persons aggrieved by any decision of the Board or Adjustment may present to the circuit court a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be filed in circuit court within sixty (60) days after the filing of the decision in the office of the Town Clerk.

SECTION 19.08 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES

The following information may be used by the Commission, Town Board or Board of Adjustment prior to or during the proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Commission, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this ordinance. The following guidelines are not all inclusive.

(a) **Site Design and Physical Characteristics**

- (1) Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- (2) Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- (3) Where public sewers are not available, the percolation characteristics of the soil.
- (4) Adequacy of the proposed internal circulation system, including safety consideration.
- (5) Access to sites from the internal circulation system.
- (6) The costs of providing various public services.
- (7) Appearance -- how the area will look.

(b) **Site Location Relative to the Public Road Network**

- (1) Convenient access to a public road network -- safety of access points.
- (2) Visibility from the proposed road and the need for visibility.
- (3) Location to provide access primarily by right-hand turning movements.

(c) Land Use

- (1) Compatibility with existing or proposed uses in the area.
- (2) Relation to any existing land use plan.
- (3) Relation to existing or proposed development at nearby interchanges.

(d) Traffic Generation

- (1) Amount of daily and peak hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.
- (2) Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
- (3) Expected composition of site-generated traffic by vehicle types.
- (4) Effect of site-generated traffic on the operation of the area.
- (5) Safety and convenience to future users.

(e) Community Effects

- (1) Immediate and long-range tax base.
- (2) Access to market or service area.
- (3) Relation to scenic or recreation values.
- (4) Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
- (5) Compliance with the Development Plan's Goals and Objectives.

(f) Other Relevant Factors

- (1) Performance Standards in Section 12 of this Ordinance.
- (2) Additional impacts.

SECTION 19.09 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

(a) Classification and Setbacks

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the township are hereby divided into the following classifications according to the Wisconsin Department of Transportation Functional Classification System or a locally adopted Transportation Plan.

(1) Arterial Highways

- a. The setback line for Arterial highways shall be a minimum of 150 feet from the centerline of the highway or a minimum of 100 feet from the right-of-way line, whichever is greater.
- b. Minimum Road right-of-way for Arterial Highways shall be 100 feet and 50 feet for one-half road right-of-ways.

(2) Collector Roads

- a. The setback for collector roads shall be a minimum of 90 feet from the centerline or minimum of 50 feet from the right-of-way line, whichever is greater.
- b. Minimum road right-of-way shall be 80 feet and 40 feet for a half road right-of-way.

(3) Local Roads

- a. All local roads shall have a minimum setback of 85 feet from the centerline or minimum of 50 feet from the right-of-way line, whichever is greater. Minimum setbacks along local roads where public sewer is available is 35 feet. Minimum road right-of-way shall be 70 feet.
- b. Frontage roads along arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.

(4) Lesser Setbacks

Lesser setbacks may be permitted by the Commission in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

(5) Special Width Road Right of Ways

Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements.

SECTION 19.10 NONCONFORMING USES, STRUCTURES, AND LOTS

(a) Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, subject to the following:

(1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

(2) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.

(3) Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(4) Licenses This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as to the effective date of this Ordinance.

(b) Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

(c) **Existing Nonconforming Structures**

Any lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance. However, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or as to comply with the provisions of this Ordinance.

(d) **Changes and Substitutions**

Once a conforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Commission has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Commission.

(e) **Substandard Lots**

(1) Existing land parcels of less than the minimum lot size, may have a Permitted or Conditional Use listed in the assigned zoning district provided, that the parcel was established and on file in the Rock County Register of Deeds Office prior to the effective date of this ordinance, and the minimum setback requirements, septic system, and water well requirements can be met without obtaining a variance.

(2) If a substandard lot cannot meet the requirements in (A) above, the lot shall be combined with adjacent lot(s) under the same ownership to meet the minimum lot size standards of the zoning district.

SECTION 19.11 CHANGES AND AMENDMENTS

(a) **Authority**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by the text of this ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Commission and to the approval of the Town Board.

(b) **Initiation**

A change or amendment may be initiated by the Town Board, the Commission, or by a petition of one or more of the owners of property proposed to be changed.

(c) **Applications for Amendment**

Applications for an amendment to the text of this Ordinance or to district boundaries on the Official Zoning Map shall be filed with the Town Clerk. The application shall include:

(1) A map using copy of the final certified survey map, subdivision plat, condominium plat, plat of survey, or aliquot part of the section indicating the land parcel(s) location and dimensions. The map shall use the lot lines of land parcel(s) in proposing the new zoning district; provide the location, current zoning, and owner names of land parcels within two hundred and fifty (250) feet of the parcel boundaries proposed to be rezoned.

(2) The Town's Zoning Change Application Form shall: be completely filled out, list the owner of the parcel(s) as the applicant for the zoning change, reasons for the proposed change, current zoning district assigned, the proposed zoning district being requested, and whether or not the proposed zoning is consistent with the Land Use Plan.

(3) The Owners' Names and Addresses of all the properties lying within one thousand (1000) feet of the parcel proposed to be rezoned.

(4) Additional Information required by the Commission or Town Board.

(5) Fee Receipt from the Town Treasurer in the minimum amount to be determined by the Town Board.

(d) **Recommendations**

The Commission shall review all proposed changes and amendments within the Town and shall recommend that the application be granted as requested, modified, or denied. The recommendation of the Commission shall be made no later than the second meeting after the meeting at which the application was first submitted. The application shall be considered at the next Town Board meeting.

(e) **Standards for Zoning Changes**

The following land use decision standards shall be used by the Commission and Town Board when considering proposed zoning changes. The Town may approve petitions for rezoning only after consistent findings are made based on the following:

(1) Whether the proposed change is consistent with the Town's Land Use Plan.

- (2) Whether the proposed change is consistent with the purpose and intent section of the new zoning district.
- (3) Wisconsin case law relating to the proposed change.
- (4) Whether adequate public facilities are available or can be made available to accommodate the proposed use within a reasonable time.
- (5) Whether public facilities needed to accommodate the proposed use will place an unreasonable burden on the ability of affected units of government and school districts to provide them.
- (6) The land proposed for rezoning is suitable for development and development will not result in undue water and air pollution, cause unreasonable soil erosion and have an unreasonable adverse effect on rare or irreplaceable natural resources.
- (7) The protection of property values and the property tax base.
- (8) Amount of daily and peak-hour traffic that will be generated, related to site size, and existing automobile traffic on the existing road network.
- (9) Amount of daily and peak hour traffic that will be generated relative to existing and anticipated traffic from other land uses affecting the existing and planned road network.
- (10) Expected composition of site-generated traffic by vehicle types.
- (11) Safety and convenience to future users.
- (12) Access to commercial areas.
- (13) Relation to aesthetic, scenic and recreation values.

(f) Public Hearing

The Town Clerk, or designee shall notify all adjoining property owners of property within one thousand (1000) feet of the land in question and after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, the Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

(g) **Town Board's Action**

Following such hearing and after careful consideration of the Commission recommendations, the Town Board shall vote on the proposed amendment. A majority of the Town Board members present at the meeting is required to approve the amendment.

(h) **Protest to Proposed Change**

A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a three-fourths vote of the Town Board if a protest against the proposed amendment, supplement, or change is presented to the Town Board prior to or at the public hearing under Section 11.6 of this Ordinance and:

- (1) The protest is signed and acknowledged by the owners of at least 50% of the areas proposed to be altered; or
- (2) The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

(i) **Reversion to Previous Zoning District**

When a land owner requests a parcel to be rezoned from the original zoning district assigned when this Ordinance was adopted, and the owner has not established a permitted or conditional use as provided in the district within 12 months of the date of the Town Board's zoning action, the zoning district assigned to the land parcel shall automatically revert to the original zoning district that had been assigned when this ordinance became effective.

(j) **Airport Affected Area Amendment**

A proposed amendment, supplement or change to this zoning ordinance must be adopted by not less than a two-thirds vote of the Town Board if the proposed amendment, supplement or change would make any change in an airport affected area, as defined under Section 62.23(6)(am)1.b. of the Wisconsin Statutes and if a protest against the proposed revision is presented to the Town Board prior to or at the public hearing under Section 11.6 of this Zoning Ordinance by the owner or operator of the airport bordered by the airport affected area.

SECTION 19.12 PERFORMANCE STANDARDS

(a) **Compliance**

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

(b) Air Pollution

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718.

(c) Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187 Degrees F.	400,000
105 Degrees F. to 187 Degrees F.	200,000
Below 105 Degrees F.	100,000

(d) Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(e) Liquid or Solid Wastes

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

(f) Noise

No activity shall produce a sound level outside its premises in the M-1 or A-1 District boundaries that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Frequency (Cycles Per Second)</u>	<u>Sound Level (Decibels)</u>
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

<u>Octave Band Frequency (Cycles Per Second)</u>	<u>Sound Level (Decibels)</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

(g) Odors

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises. Agriculture odors associated with normal agricultural activities are exempt from this ordinance.

(h) Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

(i) **Vibration**

No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1 District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

<u>Frequency Cycles Per Second</u>	<u>Outside the Premises</u>	<u>Outside the District</u>
0 to 10	.0020	.0001
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

(j) **Water Quality Protection**

(1) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

(2) In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR102 of the Wisconsin Administrative Code for all navigable waters.

SECTION 19.13 SIGNS

(a) **Permit Required**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit. The sign shall also meet all the structural requirements of local and state building codes.

(b) Signs Permitted In All Districts Without A Permit

The following signs are permitted in all zoning districts without a permit subject to the following regulations:

- (1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two feet in height and eight feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, up to two signs with each sign face totaling not more than four feet in height and eight feet in length advertising such sale.
- (3) Real Estate Signs not to exceed four feet in height and four feet in length in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (4) Name, Occupation, Home Office, Home Occupation Signs shall not to exceed two (2) square feet in display area located on the premises, and limited to one sign per land parcel.
- (5) Bulletin Boards of public, charitable, or religious institutions not to exceed sixteen (16) square feet in display area located on the premises.
- (6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official Signs, such as traffic control, parking restrictions, information, and notices.
- (8) Political Signs Signs for political candidates which shall not be larger than four feet in height and eight feet in length. Political signs shall not be placed in the road right-of-way. Political signs shall not be setup prior to thirty (30) days before election day and shall be removed within five (5) days after election day.
- (9) Temporary Signs or Banners, when authorized by the Commission.

(c) Signs Permitted In All Business And Industrial Districts

The following signs are permitted in the Business and Industrial Districts with a permit and are subject to the following regulations:

- (1) Off-Premise Signs are prohibited.

(2) No more than two of the above signs shall be permitted for any business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.

(3) On-Premise Wall Signs placed against the exterior wall of a building shall not extend more than twelve (12) inches from the wall, and shall not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to three (3) square feet for each lineal front foot of building.

(4) On-Premise Projecting Signs fastened to, suspended from, or supported by structures shall not be permitted in this ordinance.

(5) On-Premise Pedestal Signs in the Commercial Highway Interchange District shall be limited to one sign face on two sides of the sign post, for the business premises and advertise the business name, services offered, or products sold on the premises, and shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premises, and shall have a maximum height of 60 feet.

(6) On-Premise Pedestal Signs in Other Business and Industrial Districts shall be limited to one sign for each individual business premises and advertise the business name, services offered or products sold, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any one premises, and shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.

(7) On-Premise Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.

(d) Traffic Sign

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness or railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

(e) Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this

Ordinance. However, it shall be considered a nonconforming use or structure and the provisions of Section 10.0 shall apply.

(f) **Bonds**

Every applicant for a zoning permit for a sign shall, before the permit is granted, execute a bond, give a letter of credit, or cash deposit in the sum to be fixed by the Commission, but not to exceed Twenty-Five Thousand Dollars (\$25,000); and it shall be of a form and type approved by the Town Attorney; indemnifying the Town against all loss, cost damages or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin, and conforming to the requirements of this section, may be permitted by the Town Attorney in lieu of a bond, letter of credit or cash deposit.

(g) **Moveable or Temporary Signs**

No moveable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate. Any licensed motor vehicle or trailer, used on the highways on a regular basis, for a bona fide business purpose other than advertising, is exempt from the above prohibition.

(h) **Lighting of Signs**

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this ordinance.

(i) **Roof-mounted Signs**

Signs erected on the roof of a building shall be prohibited by this ordinance.

(j) **Areas of Special Control**

Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

(1) Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to insure that all signs used within the area are compatible with each other and with the area.

(2) Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this ordinance.

(k) Permit Fees

Signs less than 200 square feet in area.....To be determined by the Town Board by Resolution.

Signs 200 square feet or larger in area.....To be determined by the Town Board by Resolution.

Section 19.14 TELECOMMUNICATIONS TOWERS

(a) Intent

The purpose of this section of the ordinance is to strike a balance between the federal interest concerning the construction, modification and placement of telecommunications towers and antennas for use in providing personal wireless services, and the legitimate interest of the Town in regulating local zoning. The goals of this ordinance are to protect land uses from potential adverse impacts of towers and antennas; minimize the total number of towers throughout the community; encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape screening, and innovative camouflaging techniques; consider the public health and safety of communication towers, and avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, the Town shall give due consideration to the Zoning Map, and existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(b) Definitions

As used in this ordinance, the following terms shall have the meanings set forth herein:

(1) Alternative Tower Structure Clock towers, bell steeples, light poles and similar mounting structures that camouflage or conceal the presence of antennas.

(2) Antenna Any exterior transmitting or receiving device and mounting appurtenances mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(3) Co-Location Location of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

(4) FAA Federal Aviation Administration.

(5) FCC Federal Communications Commission.

(6) Pre-existing Tower/Antenna Any tower or antenna existing within the Town of Turtle before November 21, 1997.

(7) Tower Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or mono-pole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(c) **Applicability**

The requirements of this section shall apply to all communication towers and antennas except that the ordinance shall not apply to towers and antennas owned and operated by federally licensed amateur radio station operators or are receive only antennas.

(d) **Antennas**

A permit is required from the Town of Turtle for the following permitted use:

(1) Permitted Use. Antennas shall be a permitted use and may be installed on a tower or alternative tower structure in the following zoning districts:

Exclusive Agricultural District One (A-1)
General Agricultural District Two (A-2)
Small Scale Agricultural District Three (A-3)
Local Commercial District (B-1)
Highland Conservation District Two (C-2)
Light Industrial District (M-1)

- a. If an antenna is installed on a tower, the placement of accessory buildings and other supporting equipment used in connection with the antenna may not exceed 314 square feet. If the accessory building and other supporting equipment exceed 314 square feet, a conditional use permit must be obtained before installation of the antenna, buildings and supporting equipment.
 - b. If an antenna is installed on an alternative tower structure, the antenna may add no more than 20 feet to the height of the structure and the placement of accessory buildings and other supporting equipment used in connection with the antenna may not exceed 314 square feet. If the antenna adds more than 20 feet to the height of the structure or the accessory buildings and other supporting equipment exceed 314 square feet, a conditional use permit must be obtained before the installation of the antenna, buildings and supporting equipment.
- (2) Design. The antenna, accessory buildings and supporting equipment must be of neutral color that is identical, or closely compatible with, the color of the supporting structure in order to limit visual impact.

(e) **Communication Towers**

- (1) Conditional Use. Communication towers shall be a conditional use in the following zoning districts:
- Exclusive Agricultural District One (A-1)
 - General Agricultural District Two (A-2)
 - Small Scale Agricultural District Three (A-3)
 - Local Commercial District (B-1)
 - Highland Conservation District Two (C-2)
 - Light Industrial District (M-1)
- (2) Utilizing Existing Structures. No permits for a new tower shall be issued unless the applicant demonstrates that the telecommunication equipment planned for the new tower cannot be accommodated on an existing or approved tower or structure. In the event the Town determines that it is necessary to consult with a third party in considering the factors listed below, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Such demonstration may include one or more of the following reasons:
- a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet the engineering requirements.

- c. Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
- d. The planned equipment would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing antennas would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.
- e. The fees, costs or contractual provisions required by the owner to share an existing tower or structure are cost prohibitive.

(f) General Requirements

In addition to compliance with all applicable regulations of this ordinance, the following standards shall apply for the installation of any tower or antenna:

(1) Building Codes and Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association.

(2) State or Federal Requirements. All towers and antennas shall meet or exceed applicable standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.

(3) Co-Location. A proposed tower shall be structurally and electrically designed to accommodate one or more antennas.

(4) Height Restrictions. The maximum height of a proposed telecommunication tower shall be 200 feet. This shall include any structures or equipment placed on the top of the tower such as lightning rods. However, the Town Board may waive this height restriction for a pre-existing tower.

(5) Setbacks. A tower shall be located not closer than a distance equal to 100% of height of the tower from any adjoining lot line. Guy wires and appurtenant equipment and buildings shall comply with requirements of the underlying zoning district in which the tower is located.

(6) Design. Proposed or modified towers shall blend in with the surrounding environment except as may be required by rules of the FAA or FCC. Any associated utility building shall also blend in with the character of the district in which it is located.

(7) Separation Between Towers. Separation distances between towers shall be measured by a straight line between the base of an existing tower and the base of a proposed tower. No proposed tower shall be permitted to be located within 2500 feet of an existing tower, unless for reasons beyond the applicant's control, such as unusual topography, no other option is available.

(8) Signs. No advertising material or signage other than warning or equipment information shall be allowed on any antenna or tower. This prohibition shall include the attachment to an antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

(9) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding area.

(10) Fencing. A tower shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

(11) Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the tower compound. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(12) Interference.

The tower shall be shielded, filtered and grounded in a manner consistent with the FCC and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions. In the event any complaint of interference is received by the Town, and the interference is verified by a qualified engineer to be caused by the tower, the Town shall notify the owner and operator in writing and the owner and operator shall have a period of 30 days to investigate the complaint and respond to the Town.

In the event it is determined that the tower is the source of the interference, the owner and operator shall take steps to correct the interference.

(g) Removal of Abandoned Antennas and Towers

(1) Abandonment. An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Town notifying the owner of such

abandonment. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(2) Removal By Town. Failure to remove an abandoned tower or antenna within such 90 day period shall be grounds for the Town to remove the tower or antenna at the owner's expense. The Town may place a lien upon the property on which the tower is located for the costs of removal.

(h) Permit Required

(1) No tower shall be installed unless a permit is first obtained by the owner from the Town. The following shall be required as part of the application submittal:

- a. A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Town to be necessary to assess compliance with this ordinance;
- b. The setback distance between the proposed tower and the nearest residential unit, and residentially zoned properties;
- c. The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower;
- d. Landscape plan showing specific plant materials;
- e. Method of fencing, including location, materials and finished color and, if applicable, vegetative screening; and
- f. Description of compliance with Section 14.6.
- g. If a conditional use permit is also required, the application shall meet the requirements for applications for conditional use permits and the procedure for granting conditional use permits as set forth in the Town of Turtle Zoning Ordinance shall be followed.

(2) The applicant shall pay a fee to the Town with the application in an amount established by the Town Board.

SECTION 19.15 DEFINITIONS

(a) Usage

(1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

(2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word “herein” means “in these regulations”; the word “regulations” means “these regulations.”

(3) A “person” includes a corporation, a partnership, and an unincorporated association of persons such as a club; “shall” is always mandatory; a “building” includes a “structure”; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

(4) Any words not defined herein shall be presumed to have their customary dictionary definitions as provided by the most recent addition of Webster’s Collegiate Dictionary.

(b) Words and Terms Defined

Accessory Building. Any building except the principal structure on a parcel. In the case of a house and detached garage on a parcel, the accessory building is the garage or an outbuilding.

Accessory Use. Minor land uses or secondary uses directly supported by the principal or permitted use (i.e. a detached garage is an incidental use to a residential structure).

Airport Not Open to the Public. Any airport on privately owned land used solely by the property owner.

Airport Open to the Public. Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.

Alley. A lane, street, or thoroughfare affording secondary access to abutting properties.

Animal Unit. One animal unit shall be the equivalent of the following: one - 1,100 pound steer; one dairy cow, or one bull; four swine; ten sheep or goats; 20 laying hens or chickens; 20 broilers; 10 ducks or turkeys, or other poultry; one horse or one pony.

Applicant. The owner of the land or his or her representative who has the written consent of the legal owner of the land parcel to apply for Building Permit, Conditional Use Permit, zoning change, or appeal to the Board of Adjustment.

Arterial Highways. Serving inter-community travel within and outside the area and providing a high level of urban mobility with little variation in operating conditions and forming a continuous system with other arterials as indicated on the Rock County Functional Highway Classification Map.

Automotive Vehicle. A vehicle that is self propelled, except a snowmobile.

Basement. A story partly underground.

Bond. Any form of security including cash deposit, surety bond, collateral, letter of credit, property, or instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Town Board wherever a bond is required by these regulations.

Building. Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property.

Building Area. Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

Building Height. The vertical distance from the top of the building roof to the top of the basement or to the foundation whichever is less.

Certified Survey Map. A division of a lot, parcel, or tract of land by the owner thereof or his agent, for the purpose of sale or building development where the act of division creates not more than four (4) parcels of land.

Collector Highways. Provide access between local roads and adjacent land to and from arterial highways. Collectors provide mobility to the highway network as indicated on the Rock County Functional Highway Map.

Commercial Feedlot. A fenced in area, where animals are confined for a period of time prior to sale and they are fed grains and nutrients that will enhance their marketability and/or value.

Commission. The Town of Turtle Planning Commission.

Common Area. An area or space designed for joint use of tenants or owners residing in a Planned Unit Development or Condominium Development.

Community. A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county under Wisconsin law.

Community Living Arrangement. Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under section 48.60, group foster homes for children under section 48.02(7) and community-based residential facilities under section 50.01 of the Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

Conditional Use. A use allowed under this ordinance, provided that certain conditions are met, and a Conditional Use Permit is granted by the Commission.

Condominium. Property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes.

Confinement Operation. A farm operation which is intended to produce livestock, or a livestock product, where the livestock is housed in a confined building and/or limited yard, with the feed and water brought to the animals, and the manure to be removed from the building or yard.

Density. The number of living units per acre allowable under a schedule of district regulations.

Developer. The owner of land proposed for development or his or her representative with written consent to submit an application under this Ordinance.

Driveway. A minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.

Earthwork. The moving of more than 2 cubic yards of any type of soils.

Easement. Authorization by a property owner for the use of any designated part of his property by another and for a specified purpose.

Emergency Shelter. Public or private enclosures designed to protect people from flood, windstorm, fire, riots or invasions; and from aerial, radiological, biological, or chemical warfare.

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

Existing Farmstead or Farm Buildings. The residential structure for the land owner, barn, silo, machine shed, pole barn, outbuildings, and/or milk house existing at the time of the adoption of this ordinance.

Family. A group of persons related by blood or marriage and living together as a single housekeeping entity.

Farm Consolidation. The sale or acquisition of farm acreage to or from another farm owner. A farm owner is a person who earns at least \$6,000 a year in gross farm income.

Floodplain. The land adjacent to a body of water which is subject to periodic overflow therefrom.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

Frontage. The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Garage. Any building or premises, other than a public or business storage garage, where motor vehicles are stored. For setback purposes, a detached garage is an accessory building.

High Density. Those residential zoning districts in which the density is greater than one dwelling unit per 8,500 square feet.

Home Occupation. The gainful offering of a professional service in a home office, or the production and sale of a product provided by the immediate members of the household within their place of residence or an accessory building. The Home Occupation includes the provision that no article is offered for sale on the premises except those produced by such occupation, and no off premise produced goods can be sold.

Home Office. The gainful offering of a service provided only by the immediate members of a household within their place of residence. A home office does not involve on-premise sale of physical products or customer service on a regular basis.

Household. The body of persons who live together in one dwelling unit as a single housekeeping unit.

Land Division. The division of a tract or interest in real property by the owner thereof for the purpose of sale or building development which creates: one or more lots, parcels, ownership units, or the need for a public land dedication.

Land Use. Residential, commercial, industrial, park and open space, conservation and agricultural activities carried out on a parcel of land. This may include seasonal land uses

which extend to the entire tract of parcel of land as of the time of the adoption of the ordinance.

Large Farm Animal. A horse, cow, bull, or steer.

Land Use Plan. The Town Land Use Plan indicating where future residential, commercial, agricultural, development should be located. The Land Use Plan is adopted by the Town and the County as provided in sections 59.69(3) and 60.62(2) of the Wisconsin Statutes.

License. A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.

Livestock. Farm animals kept and raised for use, pleasure, or profit.

Loading Area. A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Local Roads. Roads whose function is primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the collector and arterial highways as part of an areas highway network.

Lot. A parcel of land described in a recorded plat or deed.

Lot Area. The total area reserved for exclusive use of the owners of a particular piece of real property.

Lot, Corner. A lot abutting on two or more streets at their intersection.

Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot Width. The width of a parcel of land measured at the front of the specified road side of the parcel.

Low Density. Those residential zoning districts in which the density is more than 40,000 square feet per dwelling unit.

Manufactured Home. A structure, transportable in one or more sections, which in a traveling mode is 12 body feet or more in width or 40 body feet or more in length, or, when erected on site is 1000 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and complies with

the standards established under 42 USC 5401 to 5425 of the United States Department of Housing and Urban Development's Uniform National Construction Standards.

Master Plan. A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law.

Medium Density. Those residential zoning districts in which the density is between 8,500 and 40,000 square feet per dwelling unit.

Minimum Floor Area Square Footage. The area within the exterior walls of a building which is usable as living quarters.

Minor Structure. Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4) feet in height.

Mobile Home. A structure, transportable in one or more sections, which in a traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and complies with the standards established under 42 USC 5401 to 5425 of the United States Department of Housing and Urban Development's Uniform National Construction Standards.

Mobile Home Lot. A parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile Home Park. A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more manufactured homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the manufactured home park or its facilities; except that a manufactured home subdivision shall not be deemed a manufactured home park.

Mobile Home Subdivision. A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single manufactured home and its facilities.

Motel. A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

Non-conforming Structure. A building or premises lawfully used, occupied, or erected at the time of the passage of this ordinance or amendment thereto, which does not conform to the regulations of this ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

Non-conforming Use. The use or occupancy of a building or premises, which is lawful at the time of the enactment of this ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendments thereto.

Non-operational Motor Vehicle. A motor vehicle incapable of being moved under its own power. A motor vehicle shall not include a snowmobile or an all-terrain vehicle.

Normal High Water Line. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 per cent of the length of such water line shall be on, or on the landward side of, the normal high watermark of such stream.

Off Premises Sign. Privately owned signs that are located off the leased property of the tenant.

Ordinance. Any legislative action, however nominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

Park Management. The person who owns or has charge, care or control of mobile home park or travel trailer park.

Pedestal Sign. Any sign which is supported by structures or supports, in or on the ground, and is independent of support from any building.

Permit. A written building permit or certification issued by the Zoning Administrator permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.

Permitted Use. Uses listed under this heading are permitted as of right. This means that an applicant for a building permit shall be given a permit if he meets the other requirements of the ordinance.

Person. Any individual, firm, trust, partnership, public or private association or corporation.

Planned Unit Development (PUD). An area with a minimum number contiguous acres to be developed as a single entity, according to a plan. The PUD contains one or more residential lot clusters in combination with one or more commonly owned open space areas, or one or more commercial areas in combination with one or more commonly owned open space areas. The minimum setback lines may be relaxed and minimum square footage of the lot found in the respective zoning district can be partly located in the lot with the remainder located as commonly owned open space, all at the discretion of the Commission. The establishment of a land owners association is required to hold title to the commonly owned open spaces, maintain quasi-public facilities, and pay common expenses.

Principal Structure. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. In an agricultural district a barn for agricultural use or animal confinement buildings are considered a principal structure.

Public Hearing Legal Notice. When a plan or zoning ordinance amendment, conditional use, or variance is ready for policy action by a Board or Commission - Wisconsin enabling legislation requires a public hearing prior to that policy action. It also requires the publication of a legal notice(s) in the local government's official newspaper which includes identifying the matter of interest and the hearing time, date, and place as provided in Chapter 985 of the Wisconsin Statutes.

(A) A "Class 1 Legal Notice" is the minimum required for a public hearing that needs to be held prior to policy action on a conditional use permit. One notice needs to be published at least one week prior to the hearing.

(B) A "Class 2 Legal Notice" is the minimum required prior to the public hearing that needs to be held prior to policy action on a plan, ordinance, official (Plan or Zoning) map amendments, or variance. The notice needs to be published once a week for two consecutive weeks with the second publication at least one week before the hearing.

Recreational Vehicle. A touring or recreational unit other than a primary housing unit designed to be either self-propelled or towed which does not exceed the minimum statutory size of a mobile home under Section 348.07(2) of the Wisconsin Statutes. It is commonly referred to as a motor home, pop-up camper, fifth wheel recreation vehicle, or similar type of vehicle being equipped and used or intended to be used for temporary human habitation. A unit may or may not include plumbing, heating, and electrical systems or appliances.

Residence, Single-Family. A detached building designed for, or occupied exclusively by, one family or household.

Residence, Two-Family. A detached or semi-detached building designed and occupied by two families or households.

Residence, Multiple-Family. A building or portion thereof designed for, or occupied by, three or more families or households.

Road. All property dedicated, intended for public or private road purposes, or subject to public easements for road purposes.

Road Right-of-Way Line. The land between lots, land parcels, used for street, road, or highway purposes including, but not limited to the travel lanes, shoulder, ditches, and backslopes.

Service Building. A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this ordinance.

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

Sign. A structure or device on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye. Sign means any surface, fabric, device or display which bears lettered, pictorial, or sculptured matter illuminated or non-illuminated which is visible from any public place and which advertises, identifies, conveys information or directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any emblem, placard or temporary sign. Signs shall also include all sign structures and component parts.

Standards. The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this ordinance.

Story. That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there is no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

Street. All property dedicated, intended for public or private street purposes, or subject to public easements for road purposes.

Street Right-of-Way Line. The land between lots or land parcels used for street, road, or highway purposes including, but not limited to the travel lanes, shoulder, ditches, and terraces. The land parcel between a lot, tract or parcel of land and an abutting street.

Structure. Anything constructed or erected having location on the ground.

Structural Alteration. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Structure, Single Family. A building designed for or occupied by, one family or household.

Structure, Two-Family. A detached or semi-detached building designed as two separate dwelling units and occupied by two families or households.

Subdivision Plat. Any division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or building development where:

- (A) The act of division creates five (5) or more parcels, or building site;

(B) Five or more parcels or building sites are created by successive divisions within a period of five years; or

(C) Where there is a dedication or reservation for public improvements.

Temporary Structure. A removable structure not designed for human occupancy and not for the protection of goods or chattels and not forming an enclosure.

Tenant Storage Area. An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

Trailer. A separate vehicle, not driven or propelled by its own power, but drawn by some independent power. A trailer is a separate vehicle which is not driven or propelled by its own power, but, which, to be useful must be attached to and become part of another vehicle. If a semi-trailer is not driven, propelled, or drawn by some independent power, as it was originally designed to function for a period of seven days, it is no longer considered a semi-trailer.

Trailer Space. A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

Travel Trailer. A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: (a) a unit built on a chassis, having a body width not exceeding 8 feet and body length not exceeding 32 feet; (b) a unit designed to be mounted on a truck chassis; (c) a unit constructed as an integral part of a self-propelled vehicle; or (d) a canvas, folding unit mounted on wheels.

Travel Trailer Camp. A parcel of land in which two or more spaces are occupied, or intended for occupancy by travel trailers for transient dwelling purposes.

Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two (2) or more noncontiguous areas.

Use Consistent with Agricultural Use. Any activity that meets all the following conditions:

(A) The activity will not convert land that has been devoted primarily to agricultural use.

(B) The activity will not limit the surrounding land's potential for agricultural use.

(C) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.

(D) The activity will not conflict with agricultural operations on other properties.

Variance. Authority granted to the owner to use his or her property in a manner which is prohibited by the zoning ordinance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.

(A) Area Variance is one which does not involve a use which is prohibited by the zoning ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements.

(B) Use Variance is one which permits a use of land other than that which is prescribed by the zoning ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the ordinance. A Use Variance shall not be granted under this ordinance.

Wall Sign. Any sign which is parallel to and affixed to an exterior wall or side of a mansard roof of a building. Wall signs also include signs which are parallel to the wall of a building and attached to the roof of a canopy.

Window Sign. Any sign placed inside or upon a window facing the outside which is intended to be seen from the exterior of the building.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the principal building excluding uncovered steps.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.

Yard, Side. A yard extending from the front yard, or from lot line, where no front yard is required, to the rear yard between side lot line and the nearest part of the principal building.